

1 BILL NO. G-80-07-20 (as amended)

2 GENERAL ORDINANCE NO. G-80-14-80

3 AN ORDINANCE amending Chapter 24 of the
4 Code of the City of Fort Wayne, Indiana
5 of 1974.

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
7 WAYNE, INDIANA:

8 SECTION 1. That Chapter 24 of the Code of the City of
9 Fort Wayne, Indiana of 1974 is amended to be and read as fol-
10 lows, to-wit:

11 (CODE OF THE CITY OF FORT WAYNE, INDIANA OF 1974)

12 CHAPTER 24

13 SEWERS AND SEWERAGE SYSTEM

14 Article I. General

15 Sec. 24-1. Definitions.

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17 Unless the context specifically indicates otherwise, the mean-
18 ings of the following terms as used in this Chapter and as used
19 in the rules and regulations adopted by the Board of Public
20 Works implementing the provisions of this Chapter are as set
21 out below respectively:

- 22 -101. "Act": the Federal Water Pollution Control
23 Act, also known as "The Clean Water Act",
24 as amended, 33 U.S.C. 466, as referred to at
25 I.C. 13-1-4-1.
- 26 -102. "Biochemical Oxygen Demand" (or BOD) of sewage,
27 sewage effluent, polluted waters or industrial
28 wastes: the quantity of dissolved oxygen in
29 milligrams per liter required during stabliza-
30 tion of the decomposable organic matter by
31 aerobic biochemical action under standard labora-
32 tory procedures for five days at 20° Centigrade.

The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" (see paragraph 136 below).

-103. "Building (or House) Drain": that part of the lowest horizontal piping of a building drainage system receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to a point outside the foundation wall of the building.

-104. "Building (or House) Drain Connection": the point where the building (or House) sewer is connected to the building drain at a location usually approximately three (3) feet outside the foundation wall of the building.

-105. "Building (or House) Sewer Connection": the point where the building sewer is connected to the public sewer. This connection to the public sewer may be accomplished as follows:

a. Where a break-in connection is employed, the point of connection shall be where the end of the building sewer meets the inside face of the sewage system and the joint shall be considered a part of the building sewer;

b. Where fittings (T's or Y's) are employed the connection shall be where the end of the first pipe meets the end of the fitting and the joint thereto shall be considered a part of the building sewer.

-106. "Building (or House) Sewer": the pipe which is connected to the building (or House) drain at a

point outside the foundation wall of the building and which conveys the building's discharge from that point to the public sewer or other places of disposal.

-107. "Chemical Oxygen Demand" or (COD) of sewage, sewage effluent, polluted waters or industrial wastes: a measure of the oxygen equivalent to that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in "Standard Methods".

-108. "City": the City of Fort Wayne, Indiana.

-109. "Classification of Users":

109.1 "Domestic Class User": a user discharging normal domestic sewage, as hereinafter defined, into the system.

109.2 "Industrial Class User": any user falling within Division A, B, D, E, or I as described in the Standard Industrial Classification Manual, 1972, United States Office of Management and Budget, as currently amended and supplemented, a copy of which is on file in the Office of the Sewer Engineer. A user described in the divisions listed therein may be excluded if it is determined by the City that such user will introduce primarily segregated domestic waste or waste from sanitary conveniences. Users not listed therein may be included in

this class of customer because of production of excess strength waste or toxics in excess of limits described hereafter.

- 110. "Dwelling": a building or a portion thereof under one roof used primarily for the abode of one or more persons, but not including hotels, motels, lodging or boarding houses or tourist homes.
- 111. "Effluent": the water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet.
- 112. "Emergency": an unforeseen combination of circumstances or a combination of unforeseen circumstances which require an immediate remedy. Said emergency shall be declared by the Common Council and shall be limited to a specific time period.
- 113. "Garbage": any solid wastes from the preparation, cooking or dispensing of food and from the handling, storage or sale of produce.
- 114. "Ground Garbage": garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in public sewers, with no particle being greater than one-half inch in any dimension.
- 115. "Industrial Wastes": any solid, liquid or gaseous substance or form of energy discharged, permitted to flow or escape from an industrial, manufacturing, commercial or business operation or process or from the development, recovery or

processing of any natural resource carried on by any person.

-116. "Influent": the water, together with any wastes that may be present, flowing into a drain, sewer, receptacle or outlet.

-117. "Major Industrial User": a user of the city-owned treatment works that: (a) has a flow of 50,000 gallons of waste or more per average work day; (b) has a flow of waste greater than 5% of the flow carried by the part of the city system receiving the waste; (c) has in its waste, a toxic pollutant in amounts as defined in standards issued under Section 307(a) of the Federal Act; or (d) is found by the Indiana Stream Pollution Control Board, in connection with the issuance of the NPDES Permit to the city-owned treatment works receiving the waste, to have significant impact whether singularly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

-118. "Normal Domestic Sewage": (for the purpose of determining eligibility for payment of surcharge): sewage having an average daily suspended solids concentration of not more than 250 milligrams per liter, an average daily BOD of not more than 200 milligrams per liter, and an average daily phosphorus concentration of not more than 10 milligrams per liter.

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- 3 -119. "NPDES Permit": a National Pollutant Discharge
- 4 Elimination System Permit issued by the Indiana
- 5 Stream Pollution Control Board for discharges
- 6 of waste waters to navigable waters of the United
- 7 States pursuant to Section 402 of 33 U.S.C. 466.
- 8 -120. "Operation and Maintenance Costs": all costs
- 9 direct and indirect, other than debt service
- 10 including replacement cost as defined in para-
- 11 graph 126, necessary to insure adequate waste
- 12 water treatment on a continuing basis conforming
- 13 with federal, state and local requirements and
- 14 to insure optimal long-term facilities management.
- 15 -121. "Outlet": any outlet, natural or constructed,
- 16 which is the point of final discharge of sewage
- 17 or of treatment plant effluent into any water-
- 18 course, pond, ditch, lake or other body of sur-
- 19 face or ground water.
- 20 -122. "Person": every individual, firm, partnership,
- 21 company, municipal or private corporation, com-
- 22 mercial establishment, association, society, in-
- 23 stitution, enterprise, governmental agency and
- 24 other legal unit or entity.
- 25 -123. "pH": the logarithm (to the base 10) of the re-
- 26 ciprocal of the hydrogen ion concentration of a
- 27 solution expressed in gramatoms per liter of
- 28 solution.
- 29 -124. "Pollutants":
- 30 124.1 "Compatible Pollutants": waste containing
- 31 biochemical oxygen demand, suspended solids,
- 32 pH and fecal coliform bacteria.

124.2 "Incompatible Pollutants": waste with any pollutant that is not a compatible pollutant.

-125. "Receiving Stream": the watercourse, stream or body of water receiving the waters finally discharged from the sewage treatment plant.

-126. "Replacement Cost": that cost stated in current monetary values as an operating cost which represents and measures the day-to-day consumption and attrition of physical assets in rendering service to users.

-127. "Sanitary Sewage": sewage discharged from the sanitary conveniences of dwellings, apartment houses, condominiums, motels and hotels, lodging or boarding houses, office buildings, factories or institutions and free from storm waters, surface water and industrial wastes.

-128. "Service Charge": the basic assessment levied on all users of the public sewerage system for wastes which do not exceed in strength the concentration values for above which a strength-of-wastes surcharge will be made.

-129. "Sewage": the water-carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and storm waters as may be present.

-130. "Sewage Treatment Plant" or "Water Pollution Control Plant": the arrangement of devices, structures and equipment used for treating and disposing of sewage and sludge.

- 131. "Sewage Utility" or "Water Pollution Control Works": all facilities and systems for collecting, transporting, pumping, treating and disposing of sewage and sludge, including the sewerage system and the sewage treatment plant, whether or not in active use.
- 132. "Sewer": a pipe or conduit for carrying sewage and other waste liquids.
- 132.1 "Combined Sewer" or "Combination Sewer": a sewer which carries storm, surface and groundwater runoff as well as sewage.
- 132.2 "Public Sewer": a sewer to the use of which all owners of abutting property have equal rights and which is controlled and maintained by the City or other public authority.
- 132.3 "Sanitary Sewer": a sewer which carries sewage and to which storm, surface and ground-waters and unpolluted industrial waste waters are not intentionally admitted.
- 132.4 "Storm Sewer": a sewer which carries storm surface and ground-water drainage but excludes sewage.
- 133. "Sewer Engineer": the Chief Sewer Engineer of the City or his duly authorized representative; the term is synonymous with the term "Water Pollution Control Engineer".
- 134. "Sewerage System": the network of sewers and appurtenances used for collecting, transporting and pumping sewage to the Sewage Treatment Plant.

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3 -135. "Shall" means mandatory; "may" means permissible.
4 -136. "Standard Methods": the examination and analy-
5 tical procedures set forth in the most recent
6 edition of "Standard Methods for the Examination
7 of Water and Wastewater", published jointly by the
8 American Water Works Association and the Water
9 Pollution Control Federation, a copy of which is
10 on file in the Office of the Sewer Engineer.
11 -137. "Strength-of-Wastes Surcharge": the additional
12 charges for sewage service collected from users
13 discharging sewage into the system having a
14 strength measurement in excess of the limits im-
15 posed by the provisions of this Chapter.
16 -138. "Superintendent": the Superintendent of the Sew-
17 age Treatment Plant (Water Pollution Control Plant)
18 of the City, or his duly authorized representative.
19 -139. "Suspended Solids": solids which either float on
20 the surface of or are in suspension in water,
21 sewage or other liquid and which are removable by
22 laboratory filtration. Their concentration is ex-
23 pressed in milligrams per liter. Quantitative
24 determinations are made in accordance with proced-
25 ures set forth in "Standard Methods".
26 -140. "Waste Surveillance Charge": a monthly charge
27 collected from users qualifying as industrial
28 class users to defray the cost of evaluating
29 customer's waste by metering and laboratory de-
30 vices and/or any other methods deemed necessary.
31 Said charges are set forth in Article VII and
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are subject to review annually as provided in
Section 24-32.

-141. "Watercourse": a channel in which a flow of
water occurs either continuously or intermittently.

Sec. 24-2. Rules and Regulations - Board of Works Authority:
The Board of Public Works of the City shall, in accordance
with the Statutes of Indiana, and subject to the provisions
and requirements of this Chapter, make and enforce appropriate
rules and regulations for the safe, economical and efficient
management and operation of the City's Sewage Utility, for the
construction and use of sewers, building sewers, and appur-
tenances and connections to the sewerage system; for the regu-
lation, collection and refunding of the rates and charges for
sewerage service; and for the implementation of the provisions
of this Chapter.

Sec. 24-3. Requirements for Connection to Public Sewers.

(a) No owner or occupant of any real property
shall tap or drain either directly or indirectly into any public
sewer until a sewer tap permit has been obtained from city and
until he has satisfied his obligation to pay all assessments,
reimbursements and pro rata shares of sewer extension costs laid
against that property for public sewers which serve it. A tap
permit given in error shall not operate to nullify any such
obligation that has been duly recorded, nor estop the City from
charging and collecting such costs at any subsequent time.

(b) Tap permits shall be obtained from the City's
Sewer Permit Office and shall be issued only to licensed sewer
tap contractors, who shall pay to the Sewage Utility a fee of

thirty-five (\$35.00) dollars for each tap permit for a standard six-inch service, a fee of seventy (\$70.00) dollars for each tap permit for a special six-inch service and a fee of seventy (\$70.00) dollars for each tap permit for a service larger than six inches. Not later than 48 hours after making each sewer tap and building the sewer installation, the tap contractor shall notify the Sewer Engineer thereof in writing.

(c) The Board of Public Works shall have the authority to require an owner of real property to disconnect any downspouts, yard drains or other drains which carry the runoff of natural precipitation from a building sewer which drains into a sanitary sewer. Property owners shall have thirty (30) days after notice thereof to comply with any such requirement.

(d) A new connection may be made for a city sewer or sewers connected to the city system only after there has been adequate assurance by City that the downstream facilities of the sewage works have adequate capacity to handle the new waste loadings.

(e) No person shall connect any roof downspout, exterior foundation drain, or other source of surface run-off or ground water to a building sewer or building drain which is connected directly or indirectly, to a sanitary sewer of the City.

(f) Any and all private sewer systems of any kind now existing in or on premises where a public sewer is now or may hereafter become available shall be discontinued, emptied of its contents, cleaned out and be filled with earth or ashes, and the house sewer shall be disconnected from the existing private sewage system and be connected to the public sewer. All such connections to the public sewer shall be made within ninety days after the date the public sewer becomes available.

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3 Sec. 24-4. Extensions of Sewers Outside Corporate Limits.

4 The installation, construction or extension of sewers by the
5 City outside the corporate limits of the City and the connect-
6 ion or extension of sewers into the City's sewerage system
7 from, by, to, or for properties located outside such limits
8 is prohibited, except with the approval of the Common Council
9 of the City by duly enacted ordinance, provided that an or-
10 dinance ratifying a contract for such construction and connect-
11 ion, shall be deemed to constitute such approval.
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13 Sec. 24-5. Connections to Sewerage System by Certain Out-Of
14 City Properties. Notwithstanding the provisions of Sec. 24-4,
15 the Board of Public Works shall have the authority to permit
16 a property located outside the corporate limits of the City
17 to connect to an existing sewer which is part of the City's
18 sewerage system, when the property abuts, adjoins or is imme-
19 diately contiguous to the street, alley or easement in which
20 such sewer is located and provided the property owner or oc-
21 cupant has complied with the requirements prescribed by Sec.
22 24-3 of this Chapter.
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24 Sec. 24-6. Penalty for Violations.

25 Any person who violates or fails to comply with any provision
26 of this Chapter shall, upon conviction thereof, be fined not
27 less than \$100.00 nor more than \$500.00. Each day that the
28 violation continues shall be a separate offense.
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30 Sec. 24-7. Enforcement.

31 The provisions of this Chapter shall be enforced by the Super-
32 intendent, Water Pollution Control Plant, and such deputies as

he, with the approval of the Board of Works, may appoint for such purpose. Whenever said Superintendent or any such deputy shall deem it appropriate to charge a person with a violation of this Chapter, he shall issue to such person a Notice of Violation which shall be processed according to the provisions of Indiana Code (1971) 18-12.5-1 thru 4. The Superintendent of the Water Pollution Control Plant shall cause to be prepared, in duplicate, suitable, serially numbered, forms of such Notices of Violation and shall issue a supply of them to such deputies, taking their receipts therefore; provided only that such Notice of Violation forms shall not be printed until it has been approved by the City Attorney or his authorized associate. Each such deputy shall each make a written accounting to the Superintendent of his disposition of the Notice of Violation forms issued to him. The Superintendent shall each month make a written report to the Board of Works, with copies to the City Clerk and the City Attorney, of the disposal made by his said deputies of the Notice of Violation forms issued to them. These reports shall be public records.

Sec. 24-8. Prohibited Damage to City Property.

It shall be unlawful for any unauthorized person, firm, or corporation to maliciously, willfully, or negligently break, damage, destroy, remove, deface, or tamper with any structure, appurtenance, or equipment which is part of or belongs to the Water Pollution Control Plant of the City.

Article II. Prohibited Industrial Discharges

Sec. 24-9. Prohibitions and Limitations. Except as herein-after provided, no person shall discharge or cause or permit to be discharged into any public sewer any of the following described substances, wastes or waters:

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3 -101. Any liquid or vapor having a temperature greater
4 than 140° Fahrenheit.
5 -102. Any waters or wastes containing more than 100
6 milligrams per liter of fats, oils, greases or
7 waxes.
8 -103. Any gasoline, benzene, naphtha, fuel oil or
9 mineral oil or any other flammable or explosive
10 liquid, solid or gas.
11 -104. Any noxious or malodorous gas or substance which,
12 either alone or by interaction with other wastes,
13 is capable of creating a public nuisance or hazard
14 to life or of preventing entry into sewers for
15 their maintenance and repair.
16 -105. Any garbage that has not been properly ground.
17 -106. Any ashes, cinders, sand, mud, straw, shavings,
18 wood, metal, glass, rags, feathers, tar, plastics,
19 paunch manure, butchers' offal or any other solid
20 or viscous substances capable of causing obstruc-
21 tion to the flow in sewers or other interference
22 with the proper operation of the sewerage system
23 or the Sewage Treatment Plant.
24 -107. Any waters or wastes having a pH lower than 6 or
25 higher than 10, or having any other corrosive
26 property capable of causing damage or posing
27 hazards to the structures, equipment or personnel
28 of the Sewage Utility.
29 -108. Any waters or wastes containing toxic substances,
30 as defined under Section 307(b) and (c) of the
31 Clean Water Act in sufficient quantity to inter-
32 fere with the biological processes of the Sewage

Treatment Plant or that will pass through the Plant into the receiving stream in amounts exceeding the standards set by federal, interstate, state, or other competent authority having jurisdiction, or will prevent the disposal of the sludges by the Plant in accordance with Section 405 of said Act.

-109. Any toxic radioactive isotopes, without a special permit. The radioactive isotopes I 131 and P 32 used in hospitals are not prohibited, if they are properly diluted before being discharged into the sewerage system, as further defined in Rules and Regulations.

-110. Any waters or wastes that for a duration of 15 minutes or more have a concentration more than 5 times the average concentration of the BOD or the suspended solids of the user's sewage discharged during a twenty-four hour period of normal operation.

-111. Any waters or wastes containing suspended solids of such character and quantity that unusual provision, attention and expense would be required to handle such materials at the Sewage Treatment Plant, its pumping stations or other facilities.

-112. Any waters or wastes containing incompatible pollutants as defined herein.

-113. Any toxic ions, compounds or substances exceeding the amounts of concentrations as set out below, or as set out in any categorical pretreatment

standard of a federal, interstate, state, or local authority whichever is more stringent.

<u>CONSTITUTENT</u>	<u>CONCENTRATION (mg/l)</u>
Arsenic	0.10
Barium	2.00
Cadmium	0.50
Chromium (total)	2.50
Chromium (Hexavalent)	0.50
Copper	2.00
Fluoride	2.00
Iron	5.00
Lead	0.50
Manganese	0.40
Selenium	0.02
Silver	0.20
Zinc	5.00
Mercury	0.01
Sulphide (as S)	10.00
Tin	2.00

<u>CONSTITUENT</u>	<u>CONCENTRATION (mg/l)</u>
Cyanide	1.00
Phenol	0.50
Chlorine	10.00

-114. The City reserves the right to refuse connection to any prospective user in the event the sewage service requirements of said user, in the judgment of the Board of Works, could impose an excessive burden on the utility. The City further reserves the right, in the event of an emergency, to restrict the allowable discharge received from any or all large system users during the time of such emergency.

Sec. 24-10. Responsibility for Obstructing or Damaging Sewers.

If a public sewer becomes obstructed or damaged because any of the aforementioned substances were improperly discharged, the person or persons responsible for such discharge shall reimburse the City for the expenses incurred by the City for cleaning out, repairing or rebuilding the sewer.

Sec. 24-11. Special Agreements.

Notwithstanding any other provisions of this Chapter, the City may enter into a special agreement or arrangement between the City and any person whereby an industrial waste of unusual strength or character may be accepted by the City for treatment either with or without pretreatment, provided there is no impairment of the functioning of the Sewage Utility by reason of the admission of such wastes and no extra costs are incurred by the City without recompense by such person.

Article III. Permitted Commercial and Industrial Wastes

Sec. 24-12. Prior Approval for Certain Wastes.

Review and acceptance by the Superintendent shall be obtained prior to the discharge into the public sewers by any industrial class customer of sewage whose wastes have:

- 101. A BOD greater than 220 milligrams per liter or COD greater than 440 milligrams per liter when BOD cannot be measured or when COD measurements result in a higher charge.
- 102. A suspended solids content greater than 250 milligrams per liter.
- 103. A phosphorus content greater than 10 milligrams per liter.
- 104. Other contaminants which from their nature or quantity (a) will interfere with the operation of the Sewage Utility, including interference with its use or disposal of sludge; (b) will pass through the treatment works or otherwise be incompatible with such works; (c) will prevent the reclamation and/or recycling of municipal or industrial wastewaters and sludges.

Sec. 24-13. Pretreatment Facilities: - in General.

When, after making such a review, the Superintendent concludes that, before the person discharges his wastes into the public sewers, he must modify or eliminate those constituents which would be harmful to the structures, processes or operations of the Sewage Utility or injurious to health, then the person shall either modify his wastes at the point of origin or shall provide and operate at his own expense such preliminary treatment or processing facilities as may be determined to be

necessary to render his wastes acceptable for admission to the public sewers.

Sec. 24-14. Pretreatment Facilities: - Prior Approval.

Plans, specifications and any other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted to the City for examination and approval and no construction of such facilities shall begin until the Superintendent, with the approval of the Board of Public Works, has given his written approval. Such approval shall not exempt the person from the obligation to make further reasonable adaptations of such facilities when such adaptations prove necessary to secure the results desired. The approval of proposed facilities or equipment by the City does not, in any way, guarantee that these facilities or equipment will function in the manner described by their constructor or manufacturer; nor shall it relieve a person, firm or corporation of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose.

Sec. 24-15. Pretreatment Facilities: - Operation.

Where such preliminary treatment facilities are provided, they shall be maintained continuously in satisfactory and effective operating condition by the person at his own expense and shall be subject to periodic inspection by the City. The person shall maintain suitable operating records which shall be reasonably open to inspection by the City, and shall submit to the Superintendent such monthly summary reports of the character of the influent and effluent as the Superintendent may require.

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3 Sec. 24-16. Grease and Sand Traps.

4 Whenever the Superintendent determines that the intercep-
5 tors or traps are needed to protect the sewerage system or
6 the operations of the Sewage Treatment Plant from grease, oil,
7 sand or similar substances occurring in a user's sewage and so
8 notifies the user, then such traps shall be promptly installed
9 by the user on his own lines at his own expense and shall be
10 so maintained by him that none of such substance can be car-
11 ried over into the public sewers. All traps shall meet the
12 City's standards as to construction, location and installa-
13 tion.

14 Article IV. Control of Admissible Industrial Wastes

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16 Sec. 24-17. Submission of Data on Industrial Wastes.

17 (a) Any person who discharges industrial wastes
18 into the City's sewerage system, either directly or indirectly,
19 shall, upon the written request of the Superintendent
20 forthwith fill out and file with the Superintendent an
21 Industrial Waste Questionnaire, the form for which will be
22 furnished by the City, in which he shall set out the quantity
23 and characteristics of the wastes discharged into the City's
24 sewerage system. Any person desiring to establish a new con-
25 nection to a public sewer for the purpose of discharging in-
26 dustrial wastes shall first fill out and file such a question-
27 naire, which shall set out actual or predicted data relating
28 to the quantity and characteristics of the wastes to be dis-
29 charged.

30 (b) when special circumstances such as the size or
31 complexity of his sewage disposal problem would make complying
32 with the time schedule cited above an unreasonable burden on

the person, an extension of time, not to exceed ninety days, may be granted by the Superintendent upon presentation of a proper application.

Sec. 24-18. Control Manholes.

Any person who discharges or may discharge industrial waste into a public sewer via any means such as floor drains, sinks, catch basins, etc., shall be required by the Superintendent to construct and maintain at his own expense one or more control manholes, at a specified location or locations, to facilitate the observation, measurement and sampling of his wastes. Such manholes shall be constructed in accordance with the standards and specifications of the City. The Superintendent may also require the person to install and maintain in any such manhole at said person's expense an approved volume-measuring device providing said person may be classified as a major industrial user. Plans for the installation of control manholes and related equipment must be approved by the Superintendent before construction is begun.

Sec. 24-19. Waste Sampling.

(a) Any industrial wastes discharged into the public sewers shall be subject to periodic inspection and determination of character and concentration. The examination shall be made as often as the Superintendent deems it appropriate and may include the use of suitable continuously monitoring instruments in appropriate cases. Samples shall be collected either manually or by approved mechanical devices and in such a manner as to be representative of the overall composition of the wastes.

(b) The installation, operation, and maintenance of sampling facilities shall be the responsibility of the person discharging the wastes and shall be subject to the approval of the Superintendent. Access to the sampling facilities shall be granted at all times to the Superintendent.

(c) Where a person's operations have security measures in force which require proper identification and clearance before entry onto said person's property is granted, such person or persons shall make the necessary arrangements with their security guards that upon showing proper identification personnel from the City will be permitted to enter, without delay for the purpose of obtaining samples of wastes or monitoring of wastes being discharged at various sampling points or the person or persons shall install suitable sampling manholes outside of security limits, which at all times be immediately available to City personnel.

Sec. 24-20. Waste Analyses.

Laboratory procedures used in the examination of industrial wastes shall be those set forth in "Standard Methods" or "Guidelines Establishing Test Procedures for Analysis of Pollutants" as set forth in Federal Register 40 CFR 136 dated October 16, 1973. However, alternative methods for certain analyses of industrial wastes may be used subject to mutual agreement between the Superintendent and the user. In the event of a dispute between the Superintendent and the user as to the character, strength, toxic nature or other particulars of samples taken and analyzed by the City either party may require that samples in dispute be analyzed by a mutually

acceptable referee whose charges will be paid by the party requesting analysis. Analyses made by the City at the request of the user shall be charged to the user according to the Utility's standard work order billing practices. All such analyses shall be binding in determining strength-of-wastes surcharges and other matters dependent upon the character and concentration of wastes.

Sec. 24-21. Use of Representative Analysis.

Until an adequate analysis of a representative sample of user's wastes has been obtained, the City may, for the purpose of this Chapter, make a determination of the character and concentration of his wastes by using data based on analyses of similar processes or data for his type of business that are available from the United States Environmental Protection Agency or from industry-recognized authoritative sources. This method, if selected by the City, shall continue at the City's pleasure or until an adequate analysis has been made.

Article V. Service Charges Based on Water Usage

Sec. 24-22. Water Obtained from the City's Water Utility.

The charges made for sewerage service rendered to each lot, parcel of real estate or building having any connection with the City's sewerage system or otherwise discharging sewage into the system, either directly or indirectly, shall be based

upon the quantity of water presumed to enter the public sewers after being used in or on the property, as the quantity is measured by the water meter or meters there in use by the City's Water Utility, except as herein otherwise provided.

Sec. 24-23. Water Obtained from Other Sources.

Where the property obtains any part or all of the water used from sources other than the City's Water Utility, the owner or the tenant may be required by the City to install and maintain at his own expense a meter or meters acceptable to the City for the quantity of water obtained from these other sources, or the City may determine the quantity of such water by whatever means and methods it may find practicable.

Sec. 24-24. Exempt Water - General.

Where a significant portion of the metered water does not and cannot enter the sewerage system, either directly or indirectly, the person having charge of the property may request permission from the City to install at his own expense either an approved meter or meters to determine the quantity of water that cannot enter the sewerage system or an approved sewage-measuring device or devices to determine the volume of sewage that actually enters the sewerage system; when appropriate, the City reserves the right to determine by whatever other means and methods it may find practicable the percentage of the property's metered water that enters the sewerage system. In any case the service charge shall be based on the quantity of water that can or actually does enter the public sewers but in no case shall it be less than the minimum charge for the class of user served.

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3 Sec. 24-25. Metering of Sewage.

4 The City may require a person to install and maintain at his
5 own expense an approved device to measure directly the volumes
6 of wastes discharged to the sewerage system if these volumes
7 cannot otherwise be determined from the metered-water con-
8 sumption records. The City shall inspect and approve such
9 installation and no such service, once installed, shall be
10 removed without the City's approval.

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12 Sec. 24-26. Exempt Water Sprinkling.

13 A residential water consumer shall be billed for sewage ser-
14 vice beginning with the billing of District 19 on or about
15 July 1 and ending with the billing District 17 on or about
16 October 1, as follows: The monthly sewage charge shall be the
17 lesser of a charge based on the actual or estimated water con-
18 sumption or a charge based on twice the consumer's average
19 monthly consumption during the prior bi-monthly meter reading
20 period. This bi-monthly period begins with the reading or
21 estimating of District 19 on or about March 15. A new account
22 without a bi-monthly meter reading period prior to the exempt
23 water sprinkling period shall be billed the lesser of a charge
24 based on the actual (or estimated water consumption) or a
25 charge based on twice the minimum sewage rate during the
26 sprinkling period. A water consumer without an actual read
27 at the end of the exempt water sprinkling period shall be
28 allowed a sewer credit based on an average monthly usage as
29 computed from the date of the Utilities' last actual read to
30 the date of the Utilities' actual read made after the end of
31 the exempt water sprinkling period. In no case, shall the sew-
32 age charge be less than the minimum for the water meter size

installed. The provisions of this section shall not apply to any residential water consumers who use any part of their water for any commercial or industrial purpose.

Article VI. User Charges

Sec. 24-27. User Volume Charges.

The water usage schedule upon which charges for services rendered by the Sewer Utility shall be based on water consumption unless otherwise metered or exempted in accordance with the following user classifications and the following charges for services for each such classification:

- Service Charge (cents per 100 cu. ft.)

	<u>Class of User</u>	
	<u>Domestic</u>	<u>Manufacturing</u>
Treatment	17.1	17.1
Conveyance, Collection, Billing	16.6	10.8
Capital	<u>10.7</u>	<u>8.1</u>
Total User Charge	44.4	36.0

Sec. 24-28. User Minimum Charges.

In the event the monthly sewage service charge calculated in accordance with the water consumption schedule in Sec. 24-27. does not exceed the minimum monthly charge for each class of user as set forth thereafter user shall pay said minimum monthly charge in lieu of the charge calculated based on water usage, as follows:

<u>Water Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8 - 3/4"	\$ 2.22
1 - 1 1/2"	7.83
2"	15.98
3"	32.10
4"	53.36
6" or larger	148.21

Sec. 24-29. User Flat Charges.

In the event any user is not a metered water customer, there shall be imposed flat charge rates as follows:

<u>Classification of Customer</u>	<u>Monthly Flat Charge (1)</u>	
	<u>In-City</u>	<u>Out-City</u>
Domestic User - Single Family Dwelling	\$ 4.44	\$ 5.33
Domestic User - Multi Family Dwelling	To be estimated by City	
Commercial and Industrial User	To be estimated by City	

(1) Estimates of monthly flat charges for multi-family dwellings shall be based on the number of family units accommodated by the system multiplied by the single family dwelling monthly charges. Estimates of monthly flat charges for commercial and industrial establishments shall be either estimated based on number of employees, manufacturing processes used and other pertinent sewer use indicators or based on upon outfall measurements where available.

Sec. 24-30. Contract Customers - Unit and Other Charges.

In the event the City consummates a contract to serve as a regional treatment plant for any other municipality or private sewage utility, either contiguous to the City or in its environs, said contract shall provide for the following unit charges:

(a) Volume Charge (cents per 100 cu. ft.)

Treatment	17.1
-----------	------

Capital Charge	<u>10.7</u>
----------------	-------------

	27.8
--	------

(b) Variable Charge (cents per 100 cu. ft.)

A variable charge for conveyance and collection costs attributable to that portion of the conveyance system and operating costs associated therewith used by the contract customer shall be computed by the City and added to the volume charge.

(c) Flat Charge.

In addition to the foregoing charges based on volume of sewage treated and conveyed each contract customer will pay a monthly billing charge of \$.50 and a monthly surveillance charge of \$75.00.

(d) Excess Strength of Wastes Surcharge.

In the event a contract customer contribution waste having a strength in excess of domestic waste characteristics, as hereinbefore defined, a surcharge based on the following unit process charge will be in effect for all waste found to be in excess of limitations:

Cents Per Pound

Suspended Solids - (SS) 3.587
Biochemical Oxygen Demand - (BOD) 3.582
Phosphorus - (P) 34.324

(e) Capital Surcharge.

In the event contract customer delivers sewage for treatment to City for a period of 90 consecutive days which is in excess of base MGD contracted for, then customer will be subject to an additional capital charge computed at the capital charge (per 100 cu. ft.) then in effect times the excess percentage of MGD represented by dividing actual MGD by contracted MGD.

(f) Other Provisions.

In the event sewage received pursuant to any contract entered into under this section exceeds any of the limitations imposed by this Chapter, the City shall have the right to impose all charges, limitations and penalties applicable to any non-contract user served by the City. Each contract entered into by the City pursuant to the foregoing rate classification shall provide that contract customer shall agree to enact and maintain a Sewer Use Ordinance, Industrial Cost Recovery System and User Charge System acceptable to the City and in conformance with the City's obligations under Sec.204(b)(1) Public Law 92-500 as amended and supplemented and guidelines and regulations promulgated thereunder by the U.S. Environmental Protection Agency and 40 CFR 35.905-8, 35-928-1 and 35-928-2, and 35-935-13.

Sec. 24-31. Bulk Waste Charges.

Industrial - For all industrial waste picked up from customer and hauled in City's vehicles to plant - \$148.75 per load.

Domestic - For all domestic waste delivered to plant by customer's truck or tank - \$21.75 per load. For purposes of computing charges hereunder, a load is defined as 1,000 gallons of tank capacity or fraction thereof.

Sec. 24-32. Annual Review of Service Charges.

Prior to May 1 of each year, the General Auditor of the City Utilities and an independent certified public accountant employed for that purpose shall submit to the Board of Public Works a comparison of the calculated unit cost for flow, removal of BOD, suspended solids, and phosphorus per year, with the unit charges currently in effect from which the Board shall determine whether the current service charges and surcharges are adequate or should be changed. The methodology utilized in developing this cost comparison shall include:

1. A system including the distribution of the cost of operation and maintenance of the treatment works of the WPC Utility to each user class in proportion to such user's contribution to the total waste loading of the treatment works. Factors such as strength, volume, and delivery flow characteristics shall be considered and included as the basis for the user's contribution to insure a proportional distribution of operation and maintenance and replacement costs to each user class.

2. Total annual service charges and surcharges collected from each individual user class shall be deemed sufficient if said charges have generated during the prior

operating period sufficient revenue to offset the cost of all treatment works operation and maintenance provided by the Utility, including cost of management, system repair and replacement, debt retirement and other costs incidental to the Utility Operation attributable to such class.

Article VII. Strength-of-Wastes Surcharge

Sec. 24-33. Liability for Surcharge.

Each user discharging wastes into the sewerage system shall be subject to a strength of wastes surcharge, in addition to other sewage service charges imposed by this ordinance, based on the following minimum strength characteristics to the extent that such wastes are in concentrations greater than as follows:

- a. Biochemical oxygen demand of 220 milligrams per liter.
- b. Chemical oxygen demand of 440 milligrams per liter.
- c. Suspended solids content of 250 milligrams per liter.
- d. Phosphorus content of 10 milligrams per liter.

Sec. 24-34. Computation of Surcharge.

The surcharge shall be determined as follows:

- a. The excess pounds of BOD or COD (whichever results in the higher charge) suspended solids, and phosphorus will each be computed by first multiplying the user's billing sewage volume measured in units of 100 cubic feet for the current billing period by the factor 0.0062321 and then multiplying

this product by the difference between (a) the concentrations measures in milligrams per liter of the BOD (or COD), suspended solids, and phosphorus respectively in the user's sewage and (b) the allowed concentrations set out in Section 24-33. The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge set out in Section 24-35. In the event COD measurement is used, as hereinbefore provided, 50% of the excess pounds measured will be used to compute the equivalent BOD charge.

Sec. 24-35. Rates of Surcharge.

The rate of surcharge for each of the aforementioned constituents shall be as follows:

- | | |
|--|---------------------------|
| a. For biochemical oxygen demand - (BOD) | 3.582 cents
per pound |
| b. For suspended solids (SS) | 3.587 cents
per pound |
| c. For phosphorus (P) | 34.324 cents
per pound |

Sec. 24-36. Waste Evaluation Charges.

All users discharging wastes into the system requiring continuing surveillance sampling and waste evaluation shall be subject to a monthly fixed charge to cover the costs of such services in the amount of \$75.00 per discharge point.

Sec. 24-37. Revision of Rates of Surcharge.

Prior to May 1 of each year, the General Auditor of the City Utilities and an independent certified public accountant employed for that purpose shall submit to the Board of Public Works a comparison of the calculated unit costs for removing

BOD, suspended solids, and phosphorus from the Sewage Treatment Plant influent during the previous calendar year with the unit charges currently in effect in order that the Board may determine whether the current rates of surcharge are adequate or should be changed and request legislative enactment of said changes by the Common Council.

Article VIII. Billing of Service Charges

Sec. 24-38. Billing Period.

Charges for sewerage service shall be prepared and billed by the General Office of the City Utilities along with the bills for water service and shall be payable at the General Office at the same time as the water bills.

Sec. 24-39. Liability for Payment.

The charges for sewerage service shall be billed to the person being billed for water service unless, by contract with the Utility, another person assumes such responsibility. If a tenant is billed, the owner shall not thereby be relieved of liability in the event payment is not made by the tenant as herein required but such owner shall save City harmless from any loss due to the delinquency of his said tenant. Such owner shall have the right to examine the City's collection records to ascertain whether such charges have been paid and the amount thereof.

Sec. 24-40. First Billings.

The rates, charges and surcharges fixed in this Chapter shall extend to and cover any additional premises hereafter served,

without hearing or notice. If the first billing to a new user covers a period other than a full billing month, then the service charges for such billing shall be made in keeping with standard practice in the Water Utility. Subsequent sewerage service billings shall be for periods coinciding with the billing periods for water service. If such rates, charges and/or surcharges are changed, the first billing after such change may also be for a period other than a full billing month in order to keep the sewerage billing periods coincident with the water billing periods.

Sec. 24-41. City Subject to Charges.

For sewerage service rendered to the City, or any department, structure or property, thereof, the City shall be subject to the same rates and charges herein established for other persons, or to rates and charges established in harmony herewith.

Sec. 24-42. Consolidation of Accounts.

Where an industrial, commercial or other non-residential enterprise is operating in a unified manufacturing or service area composed of two or more contiguous parcels of real estate and is supplied with water through two or more meters, upon application by the owner or his authorized agent, a consolidation of the water meter readings may be made for the purpose of calculating the sewerage service charge.

Article IX. Delinquent Accounts

Sec. 24-43. How Delinquencies Arise.

Charges for sewerage service levied pursuant to this ordinance shall be due and payable on or before the due dates shown on

the bills. Any service charge not paid by the due date shown shall be considered delinquent. Such delinquent charge together with any applied penalty shall be collectible as hereinafter set forth.

Sec. 24-44. Collection Through Shutting Off Water Service.

Where the property having a delinquent sewerage account is served by the City's Water Utility, the City may, after mailing a written notice at least ten days in advance to the water consumer and to the property owner, if identifiable, shut off the water service to the property. The water service shall not be turned back on until the delinquent service charges and the costs of shutting off and turning on the water service have been paid.

Sec. 24-45. Collection Through the Tax Duplicate.

As provided by the Statutes of Indiana, delinquent sewerage service charges may be made a lien against the property serviced through certification to the Auditor and to the Recorder of Allen County. In such case, the delinquent service charges, together with a mandatory penalty of ten percent, shall be placed on the tax duplicate and be collected in the same manner as regular taxes and assessments are collected.

Sec. 24-46. Collection Through Court Actions.

In addition to the foregoing remedies, the City has the right to bring a civil action to recover any delinquent charges together with a penalty of ten percent and a reasonable attorney's fees. It also has the right, as provided by the Statutes of Indiana, to foreclose any lien established under the provisions of paragraph 24-45, with recovery of the charge, a penalty of ten percent and a reasonable attorney's fees.

Article X. Accounting for Sewerage Service Charges

Sec. 24-47. The City Controller shall establish and maintain, for as long as user charges and surcharges are collected under the rate schedule instituted herein, accounts for the Sewage Works Improvement Fund as required by prior ordinances relating to the issuance of sewage works revenue bonds now outstanding and further in accordance with the laws of the State of Indiana relative to the deposit and disbursement of public funds.

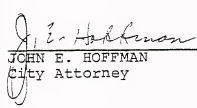
SECTION 2. Severability. The invalidity of any section, sentence, clause or provision in this Ordinance shall not affect the validity of any other section, sentence, clause or provision of this Chapter which can be given meaning without such invalid part or parts.

SECTION 3. All Ordinances or parts of Ordinances and sections of the 1974 City Code in conflict herewith are hereby repealed.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and due legal publication thereof.


COUNCILMAN

APPROVED AS TO FORM AND
LEGALITY JULY 3, 1980.


JOHN E. HOFFMAN
City Attorney

1 BILL NO. G-80-07-20

2 GENERAL ORDINANCE NO. G-80-_____

3
4 AN ORDINANCE amending Chapter 24 of the
5 Code of the City of Fort Wayne, Indiana
6 of 1974.

7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
8 WAYNE, INDIANA:

9 SECTION 1. That Chapter 24 of the Code of the City of
10 Fort Wayne, Indiana of 1974 is amended to be and read as fol-
11 lows, to-wit:

12 (CODE OF THE CITY OF FORT WAYNE, INDIANA OF 1974)

13 " CHAPTER 24

14 " SEWERS AND SEWERAGE SYSTEM

15 " Article I. General

16 Sec. 24-1. Definitions.

17
18 Unless the context specifically indicates otherwise, the mean-
19 ings of the following terms as used in this Chapter and as used
20 in the rules and regulations adopted by the Board of Public
21 Works implementing the provisions of this Chapter are as set
22 out below respectively:

23 -101. "Federal Act": the Federal Water Pollution Con-
24 trol Act, also known as "The Clean Water Act",
25 as amended, Public Law 845, 80th Congress, 33
26 U.S.C. 466, as referred to at I.C. 13-1-4-1.

27 -102. "Biochemical Oxygen Demand" (or BOD) of sewage,
28 sewage effluent, polluted waters or industrial
29 wastes: the quantity of dissolved oxygen in
30 milligrams per liter required during stabiliza-
31 tion of the decomposable organic matter by
32 aerobic biochemical action under standard labora-
tory procedures for five days at 20° Centigrade.

The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" (see paragraph 135 below).

-103. "Building (or House) Drain": that part of the lowest horizontal piping of a building drainage system receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to a point outside the foundation wall of the building.

-104. "Building (or House) Drain Connection": the point where the building (or House) sewer is connected to the building drain at a location usually approximately three (3) feet outside the foundation wall of the building.

-105. "Building (or House) Sewer Connection": the point where the building sewer is connected to the public sewer. This connection to the public sewer may be accomplished as follows:

a. Where a break-in connection is employed, the point of connection shall be where the end of the building sewer meets the inside face of the sewage system and the joint shall be considered a part of the building sewer;

b. Where fittings (T's or Y's) are employed the connection shall be where the end of the first pipe meets the end of the fitting and the joint thereto shall be considered a part of the building sewer.

-106. "Building (or House) Sewer": the pipe which is connected to the building (or House) drain at a

point outside the foundation wall of the building and which conveys the building's discharge from that point to the public sewer or other places of disposal.

-107. "Chemical Oxygen Demand" or (COD) of sewage, sewage effluent, polluted waters or industrial wastes: a measure of the oxygen equivalent to that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in "Standard Methods".

-108. "City": the City of Fort Wayne, Indiana.

-108.1 "Domestic Class User": a user discharging normal domestic sewage, as hereinafter defined, into the system.

-108.2 "Industrial Class User": any user falling within Division A, B, D, E, or I as described in the Standard Industrial Classification Manual, 1972, United States Office of Management and Budget, as currently amended and supplemented, a copy of which is on file in the Office of the Sewer Engineer. A user described in the divisions listed therein may be excluded if it is determined by the City that such user will introduce primarily segregated domestic waste or waste from sanitary conveniences. Users not listed therein may be included in this class of customer because of production of excess strength waste or toxics in excess of limits described hereafter.

- 1
2
3 -109. "Effluent": the water, together with any wastes
4 that may be present, flowing out of a drain,
5 sewer, receptacle or outlet.
6 -110. "Emergency": an unforeseen combination of cir-
7 cumstances or a combination of unforeseen cir-
8 cumstances which require an immediate remedy.
9 Said emergency shall be declared by the Common
10 Council and shall be limited to a specific time
11 period.
12 -111. "Garbage": any solid wastes from the prepara-
13 tion, cooking or dispensing of food and from the
14 handling, storage or sale of produce.
15 -112. "Ground Garbage": garbage that is shredded to
16 such a degree that all particles will be carried
17 freely in suspension under the conditions nor-
18 mally prevailing in public sewers, with no par-
19 ticle being greater than one-half inch in any
20 dimension.
21 -113. "Industrial Wastes": any solid, liquid or gas-
22 eous substance or form of energy discharged,
23 permitted to flow or escape from an industrial,
24 manufacturing, commercial or business operation
25 or process or from the development, recovery or
26 processing of any natural resource carried on by
27 any person.
28 -114. "Influent"; the water, together with any wastes
29 that may be present, flowing into a drain, sewer,
30 receptacle or outlet.
31 -115. "Major Industrial User": a user of the city-
32 owned treatment works that: (a) has a flow of

50,000 gallons of waste or more per average work day; (b) has a flow of waste greater than 5% of the flow carried by the part of the city system receiving the waste; (c) has in its waste, a toxic pollutant in amounts as defined in standards issued under Section 307(a) of the Federal Act; or (d) is found by the Indiana Stream Pollution Control Board, in connection with the issuance of the NPDES Permit to the city-owned treatment works receiving the waste, to have significant impact whether singularly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

-116. "Normal Domestic Sewage": (for the purpose of determining eligibility for payment of surcharge): sewage having an average daily suspended solids concentration of not more than 250 milligrams per liter, an average daily BOD of not more than 200 milligrams per liter, and an average daily phosphorus concentration of not more than 10 milligrams per liter.

-117. "NPDES Permit": a National Pollutant Discharge Elimination System Permit issued by the Indiana Stream Pollution Control Board for discharges of waste waters to navigable waters of the United States pursuant to Section 402 of 33 U.S.C. 466.

-118. "Operation and Maintenance Costs": all costs direct and indirect, other than debt service

including replacement cost as defined in paragraph 125, necessary to insure adequate waste water treatment on a continuing basis conforming with federal, state and local requirements and to insure optimal long-term facilities management.

-119. "Outlet": any outlet, natural or constructed, which is the point of final discharge of sewage or of treatment plant effluent into any watercourse, pond, ditch, lake or other body of surface or ground water.

-120. "Person": every individual, firm, partnership, company, municipal or private corporation, commercial establishment, association, society, institution, enterprise, governmental agency and other legal unit or entity.

-121. "pH": the logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gramatoms per liter of solution.

-122.1 "Compatible Pollutants": waste containing biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria.

-122.2 "Incompatible Pollutants": waste with any pollutant that is not a compatible pollutant.

-123. "Receiving Stream": the watercourse, stream or body of water receiving the waters finally discharged from the sewage treatment plant.

-124. "Dwelling": a building or a portion thereof under one roof used primarily for the abode of

one or more persons, but not including hotels, motels, lodging or boarding houses or tourist homes.

-125. "Replacement Cost": that cost stated in current monetary values as an operating cost which represents and measures the day-to-day consumption and attrition of physical assets in rendering service to users.

-126. "Sanitary Sewage": sewage discharged from the sanitary conveniences of dwellings, apartment houses, condominiums, motels and hotels, lodging or boarding houses, office buildings, factories or institutions and free from storm waters, surface water and industrial wastes.

-127. "Service Charge": the basic assessment levied on all users of the public sewerage system for wastes which do not exceed in strength the concentration values for above which a strength-of-wastes surcharge will be made.

-128. "Sewage": the water-carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and storm waters as may be present

-129. "Sewage Treatment Plant" or "Water Pollution Control Plant": the arrangement of devices, structures and equipment used for treating and disposing of sewage and sludge.

-130. "Sewage Utility" or "Water Pollution Control Works": all facilities and systems for collecting,

- transporting, pumping, treating and disposing of sewage and sludge, including the sewerage system and the sewage treatment plant, whether or not in active use.
- 131. "Sewer": a pipe or conduit for carrying sewage and other waste liquids.
- 131.1 "Combined Sewer" or "Combination Sewer": a sewer which carries storm, surface and ground-water runoff as well as sewage.
- 131.2 "Public Sewer": a sewer to the use of which all owners of abutting property have equal rights and which is controlled and maintained by the City or other public authority.
- 131.3 "Sanitary Sewer": a sewer which carries sewage and to which storm, surface and ground waters and unpolluted industrial waste waters are not intentionally admitted.
- 131.4 "Storm Sewer": a sewer which carries storm, surface and ground-water drainage but excludes sewage.
- 132. "Sewer Engineer": the Chief Sewer Engineer of the City or his duly authorized representative; the term is synonymous with the term "Water Pollution Control Engineer".
- 133. "Sewerage System": the network of sewers and appurtenances used for collecting, transporting and pumping sewage to the Sewage Treatment Plant.
- 134. "Shall" means mandatory; "may" means permissible.
- 135. "Standard Methods": the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination

of Water and Wastewater", published jointly by the American Water Works Association and the Water Pollution Control Federation, a copy of which is on file in the Office of the Sewer Engineer.

- 136. "Strength-of-Wastes Surcharge": the additional charges for sewage service collected from users discharging sewage into the system having a strength measurement in excess of the limits imposed by the provisions of this Chapter.
- 137. "Superintendent": the Superintendent of the Sewage Treatment Plant (Water Pollution Control Plant) of the City, or his duly authorized representative.
- 138. "Suspended Solids": solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration is expressed in milligrams per liter. Quantitative determinations are made in accordance with procedures set forth in "Standard Methods".
- 139. "Waste Surveillance Charge": a monthly charge collected from users qualifying as industrial class users to defray the cost of evaluating customer's waste by metering and laboratory devices and/or any other methods deemed necessary. Said charges are set forth in Article VII and are subject to review annually as provided in Section 24-32.
- 140. "Watercourse": a channel in which a flow of

water occurs either continuously or intermittently.

-141. "Zone Surcharge": additional charges for sewage services to be collected from users situated outside of the primary operating zone of the utility as designated by a map so entitled which is on file in the Office of the Sewer Engineer and is by this reference incorporated herein and made a part of this Chapter. The boundaries of said primary zone shall be reviewed annually by the Board of Public Works and changed as deemed appropriate by reason of the cost of service data presented to the Board by the Sewer Engineer.

Sec. 24-2. Rules and Regulations - Board of Works Authority: The Board of Public Works of the City shall, in accordance with the Statutes of Indiana, and subject to the provisions and requirements of this Chapter, make and enforce appropriate rules and regulations for the safe, economical and efficient management and operation of the City's Sewage Utility, for the construction and use of sewers, building sewers, and appurtenances and connections to the sewerage system; for the regulation, collection and refunding of the rates and charges for sewerage service; and for the implementation of the provisions of this Chapter.

Sec. 24-3. Requirements for Connection to Public Sewers.

(a) No owner or occupant of any real property shall tap or drain either directly or indirectly into any public sewer until a sewer tap permit has been obtained from city and until he has satisfied his obligation to pay all assess-

ments, reimbursements and pro rata shares of sewer extension costs laid against that property for public sewers which serve it. A tap permit given in error shall not operate to nullify any such obligation that has been duly recorded, nor estop the City from charging and collecting such costs at any subsequent time.

(b) Tap permits shall be obtained from the City's Sewer Permit Office and shall be issued only to licensed sewer tap contractors, who shall pay to the Sewage Utility a fee of thirty-five (\$35.00) dollars for each tap permit for a standard six-inch service, a fee of seventy (\$70.00) dollars for each tap permit for a special six-inch service and a fee of seventy (\$70.00) dollars for each tap permit for a service larger than six inches. Not later than 48 hours after making each sewer tap and building the sewer installation, the tap contractor shall notify the Sewer Engineer thereof in writing.

(c) The Board of Public Works shall have the authority to require an owner of real property to disconnect any downspouts, yard drains or other drains which carry the runoff of natural precipitation from a building sewer which drains into a sanitary sewer. Property owners shall have thirty (30) days after notice thereof to comply with any such requirement.

(d) A new connection may be made for a city sewer or sewers connected to the city system only after there has been adequate assurance by City that the downstream facilities of the sewage works have adequate capacity to handle the new waste loadings.

(e) No person shall connect any roof downspout, exterior foundation drain, or other source of surface run-off or ground water to a building sewer or building drain which is connected directly or indirectly, to a sanitary sewer of the City.

(f) Any and all private sewer systems of any kind now existing in or on premises where a public sewer is now or may hereafter become available shall be discontinued, emptied of its contents, cleaned out and be filled with earth or ashes, and the house sewer shall be disconnected from the existing private sewage system and be connected to the public sewer. All such connections to the public sewer shall be made within ninety days after the date the public sewer becomes available.

Sec. 24-4. Extensions of Sewers Outside Corporate Limits.

The installation, construction or extension of sewers by the City outside the corporate limits of the City and the connection or extension of sewers into the City's sewerage system from, by, to, or for properties located outside such limits is prohibited, except with the approval of the Common Council of the City by duly enacted ordinance, provided that an ordinance ratifying a contract for such construction and connection, shall be deemed to constitute such approval.

Sec. 24-5. Connections to Sewerage System by Certain Out-Of City Properties. Notwithstanding the provisions of Sec. 24-4, the Board of Public Works shall have the authority to permit a property located outside the corporate limits of the City to connect to an existing sewer which is part of the City's sewerage system, when the property abuts, adjoins or is immediately contiguous to the street, alley or easement in which such sewer is located and provided the property owner or occupant has complied with the requirements prescribed by Sec. 24-3 of this Chapter.

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2
3 Sec. 24-6. Penalty for Violations.

4 Any person who violates or fails to comply with any provision
5 of this Chapter shall, upon conviction thereof, be fined not
6 less than \$100.00 nor more than \$500.00. Each day that the
7 violation continues shall be a separate offense.

8
9 Sec. 24-7. Enforcement.

10 The provisions of this Chapter shall be enforced by the Su-
11 pervisor, Industrial Waste, Water Pollution Control Plant, and
12 such deputies as he, with the approval of the Board of Works,
13 may appoint for such purposes. Whenever said Supervisor or
14 any such deputy shall deem it appropriate to charge a person
15 with a violation of this Chapter, he shall issue to such per-
16 son a Notice of Violation which shall be processed according
17 to the provisions of Indiana Code (1971) 18-12.5-1 thru 4.
18 The Supervisor, Industrial Waste, Water Pollution Control
19 Plant shall cause to be prepared, in duplicate, suitable,
20 serially numbered, forms of such Notices of Violation and
21 shall issue a supply of them to such deputies, taking their
22 receipts therefor; provided only that such Notice of Violation
23 forms shall not be printed until it has been approved by the
24 City Attorney or his authorized associate. Each such deputy
25 shall each make a written accounting to the Supervisor of
26 his disposition of the Notice of Violation form issued to
27 him. The Supervisor shall each month make a written report
28 to the Board of Works, with copies to the City Clerk and the
29 City Attorney, of the disposal made by his said deputies of
30 the Notice of Violation forms issued to them. These reports
31 shall be public records.
32

Sec. 24-8. Prohibited Damage to City Property.

It shall be unlawful for any unauthorized person, firm, or corporation to maliciously, willfully, or negligently break, damage, destroy, remove, deface, or tamper with any structure, appurtenance, or equipment which is part of or belongs to the Water Pollution Control Plant of the City.

Article II. Prohibited Industrial Discharges

Sec. 24-9. Prohibitions and Limitations. Except as herein-after provided, no person shall discharge or cause or permit to be discharged in to any public sewer any of the following described substances, wastes or waters:

- 249.1 Any liquid or vapor having a temperature greater than 140° Farrenheit.
- 249.2 Any waters or wastes containing more than 100 milligrams per liter of fats, oils, greases or waxes.
- 249.3 Any gasoline, benzene, naphtha, fuel oil or mineral oil or any other flammable or explosive liquid, solid or gas.
- 249.4 Any noxious or malodorous gas or substance which, either alone or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
- 249.5 Any garbage that has not been properly ground.
- 249.6 Any ashes, cinders, sand, mud, straw, shavings, wood, metal, glass, rags, feathers, tar, plastics, paunch manure, butchers' offal or any other solid

or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system or the Sewage Treatment Plant.

249.7 Any waters or wastes having a pH lower than 6 or higher than 10, or having any other corrosive property capable of causing damage or posing hazards to the structures, equipment or personnel of the Sewage Utility.

249.8 Any waters or wastes containing toxic substances, as defined under Section 307(b) and (c) of the Clean Water Act in sufficient quantity to interfere with the biological processes of the Sewage Treatment Plant or that will pass through the Plant into the receiving stream in amounts exceeding the standards set by federal, interstate, state, or other competent authority having jurisdiction, or will prevent the disposal of the sludges by the Plant in accordance with Section 405 of said Act.

249.9 Any toxic radioactive isotopes, without a special permit. The radioactive isotopes I 131 and P 32 used in hospitals are not prohibited, if they are properly diluted before being discharged into the sewerage system, as further defined in Rules and Regulations.

249.10 Any waters or wastes that for a duration of 15 minutes or more have a concentration more than 5 times the average concentration of the BOD or the suspended solids of the user's sewage discharged during a twenty-four hour period of

normal operation.

249.11 Any waters or wastes containing suspended solids of such character and quantity that unusual provision, attention and expense would be required to handle such materials at the Sewage Treatment Plant, its pumping stations or other facilities.

249.12 Any waters or wastes containing incompatible pollutants as defined herein.

249.13 Any toxic ions, compounds or substances exceeding the amounts of concentrations as set out below, or as set out in any categorical pretreatment of a federal, interstate, state, or local authority which ever is more stringent.

<u>CONSTITUENT</u>	<u>CONCENTRATION (mg/l)</u>
Arsenic	0.10
Barium	2.00
Cadmium	0.50
Chromium (total)	2.50
Chromium (Hexavalent)	0.50
Copper	2.00
Fluoride	2.00
Iron	5.00
Lead	0.50
Manganese	0.40
Selenium	0.02
Silver	0.20
Zinc	5.00
Mercury	0.01
Sulphide (as S)	10.00
Tin	2.00

	<u>CONSTITUENT</u>	<u>CONCENTRATION (mg/l)</u>
	Cyanide	1.00
	Phenol	0.50
	Chlorine	10.00
249.14	The City reserves the right to refuse connection to any prospective user in the event the sewage service requirements of said user, in the judgment of the Board of Works, could impose an excessive burden on the utility. The City further reserves the right, in the event of an emergency, to restrict the allowable discharge received from any or all large system users during the time of such emergency.	

Sec. 24-10. Responsibility for Obstructing or Damaging Sewers.

If a public sewer becomes obstructed or damaged because any of the aforementioned substances were improperly discharged, the person or persons responsible for such discharge shall reimburse the City for the expenses incurred by the City for cleaning out, repairing or rebuilding the sewer.

Sec. 24-11. Special Agreements.

Notwithstanding any other provisions of this Chapter, the City may enter into a special agreement or arrangement between the City and any person whereby an industrial waste of unusual strength or character may be accepted by the City for treatment either with or without pretreatment, provided there is no impairment of the functioning of the Sewage Utility by reason of the admission of such wastes and no extra costs are incurred by the City without recompense by such person.

Article III. Permitted Commercial and Industrial Wastes

Sec. 24-12. Prior Approval for Certain Wastes.

Review and acceptance by the Sewer Engineer shall be obtained prior to the discharge into the public sewers by any industrial class customer of sewage whose wastes have:

- 2412.1 A BOD greater than 220 milligrams per liter or COD greater than 440 milligrams per liter when BOD cannot be measured or when COD measurements result in a higher charge.
- 2412.2 A suspended solids content greater than 250 milligrams per liter.
- 2412.3 A phosphorus content greater than 10 milligrams per liter.
- 2412.4 Other contaminants which from their nature or quantity (a) will interfere with the operation of the Sewage Utility, including interference with its use or disposal of sludge; (b) will pass through the treatment works or otherwise be incompatible with such works; (c) will prevent the reclamation and/or recycling of municipal or industrial wastewaters and sludges.

Sec. 24-13. Pretreatment Facilities; - in General.

When, after making such a review, the Sewer Engineer concludes that, before the person discharges his wastes into the public sewers, he must modify or eliminate those constituents which would be harmful to the structures, processes or operations of the Sewage Utility or injurious to health, then the person shall either modify his wastes at the point of origin or shall provide and operate at his own expense such preliminary treatment or processing facilities as may be determined to be

necessary to render his wastes acceptable for admission to the public sewers.

Sec. 24-14. Pretreatment Facilities; - Prior Approval.

Plans, specifications and any other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted to the City for examination and approval and no construction of such facilities shall begin until the City through the Board of Public Works, has given its written approval. Such approval shall not exempt the person from the obligation to make further reasonable adaptations of such facilities when such adaptations prove necessary to secure the results desired. The approval of proposed facilities or equipment by the City does not, in any way, guarantee that these facilities or equipment will function in the manner described by their constructor or manufacturer; nor shall it relieve a person, firm or corporation of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose.

Sec. 24-15. Pretreatment Facilities; - Operation.

Where such preliminary treatment facilities are provided, they shall be maintained continuously in satisfactory and effective operating condition by the person at his own expense and shall be subject to periodic inspection by the City. The person shall maintain suitable operating records which shall be reasonably open to inspection by the City, and shall submit to the Sewer Engineer such monthly summary reports of the character of the influent and effluent as the Engineer may require.

Sec. 24-16. Grease and Sand Traps.

Whenever the Board of Public Works determines that interceptors or traps are needed to protect the sewerage system or the operations of the Sewage Treatment Plant from grease, oil, sand or similar substances occurring in a user's sewage and so notifies the user, then such traps shall be promptly installed by the user on his own lines at his own expense and shall be so maintained by him that none of such substance can be carried over into the public sewers. All traps shall meet the City's standards as to construction, location and installation.

Article IV. Control of Admissible Industrial Wastes

Sec. 24-17. Submission of Data on Industrial Wastes.

(a) Any person who discharges industrial wastes into the City's sewerage system, either directly or indirectly, shall, upon the written request of the Board of Public Works, forthwith fill out and file with the City Sewer Engineer an Industrial Waste Questionnaire, the form for which will be furnished by the City, in which he shall set out the quantity and characteristics of the wastes discharged into the City's sewerage system. Any person desiring to establish a new connection to a public sewer for the purpose of discharging industrial wastes shall first fill out and file such a questionnaire, which shall set out actual or predicted data relating to the quantity and characteristics of the wastes to be discharged.

(b) when special circumstances such as the size or complexity of his sewage disposal problem would make complying with the time schedule cited above an unreasonable burden on

the person, an extension of time, not to exceed ninety days, may be granted by the Board of Public Works upon presentation of a proper application.

Sec. 24-18. Control Manholes.

Any person discharging industrial wastes into a public sewer, either directly or indirectly, may be required by the Board of Works, upon the recommendation of the Sewer Engineer, to construct and maintain at his own expense one or more control manholes, at a specified location or locations, to facilitate the observation, measurement and sampling of his wastes. Such manholes shall be constructed in accordance with the standards and specifications of the City. The Board may also require the person to install and maintain in any such manhole at said person's expense an approved volume-measuring device. Plans for the installation of control manholes and related equipment must be approved by the Board of Public Works, upon the recommendation of the Sewer Engineer and the Superintendent, before construction is begun.

Sec. 24-19. Waste Sampling.

(a) Any industrial wastes discharged into the public sewers shall be subject to periodic inspection and determination of character and concentration. The examination shall be made as often as the Sewer Engineer deems it appropriate and may include the use of suitable continuously monitoring instruments in appropriate cases. Samples shall be collected either manually or by approved mechanical devices and in such a manner as to be representative of the overall composition of the wastes.

2
3 (b) The installation, operation, and maintenance
4 of sampling facilities shall be the responsibility of the per-
5 son discharging the wastes and shall be subject to the approval
6 of the Board of Public Works. Access to sampling facilities
7 shall be granted at all times to the Sewer Engineer or his
8 authorized representative.

9 (c) Where a person's operations have security
10 measures in force which require proper identification and
11 clearance before entry onto said person's property is granted,
12 such person or persons shall make the necessary arrangements
13 with their security guards that upon showing proper identifi-
14 cation personnel from the City will be permitted to enter,
15 without delay for the purpose of obtaining samples of wastes
16 or monitoring of wastes being discharged at various sampling
17 points or the person or persons shall install suitable sampling
18 manholes outside of security limits, which at all times be im-
19 mediately available to City personnel.

20
21 Sec. 24-20. Waste Analyses.

22 Laboratory procedures used in the examination of industrial
23 wastes shall be those set forth in "Standard Methods" or
24 "Guidelines Establishing Test Procedures for Analysis of
25 Pollutants" as set forth in Federal Register 40 CFR 136 dated
26 October 16, 1973. However, alternative methods for certain
27 analyses of industrial wastes may be used subject to mutual
28 agreement between the Sewer Engineer and the user. In the
29 event of a dispute between the Sewer Engineer and the user as
30 to the character, strength, toxic nature or other particulars
31 of samples taken and analyzed by the City either party may
32 require that samples in dispute be analyzed by a mutually

acceptable referee whose charges will be paid by the party requesting analysis. The City shall make, without charge to the user, the initial analysis and regular periodic check analyses of the user's wastes as well as other tests the Superintendent may deem advisable. Analyses made by the City at the request of the user shall be charged to the user according to the Utility's standard work order billing practices. All such analyses shall be binding in determining strength-of-wastes surcharges and other matters dependent upon the character and concentration of wastes.

Sec. 24-21. Use of Representative Analysis.

Until an adequate analysis of a representative sample of user's wastes has been obtained, the City may, for the purpose of this Chapter, make a determination of the character and concentration of his wastes by using data based on analyses of similar processes or data for his type of business that are available from the United States Environmental Protection Agency or from industry-recognized authoritative sources. This method, if selected by the City, shall continue at the City's pleasure or until an adequate analysis has been made.

Article V. Service Charges Based on Water Usage

Sec. 24-22. Water Obtained from the City's Water Utility.

The charges made for sewerage service rendered to each lot, parcel of real estate or building having any connection with the City's sewerage system or otherwise discharging sewage into the system, either directly or indirectly, shall be based

upon the quantity of water presumed to enter the public sewers after being used in or on the property, as the quantity is measured by the water meter or meters there in use by the City's Water Utility, except as herein otherwise provided.

Sec. 24-23. Water Obtained from Other Sources.

Where the property obtains any part or all of the water used from sources other than the City's Water Utility, the owner or the tenant may be required by the City to install and maintain at his own expense a meter or meters acceptable to the City for the quantity of water obtained from these other sources, or the City may determine the quantity of such water by whatever means and methods it may find practicable.

Sec. 24-24. Exempt Water - General.

Where a significant portion of the metered water does not and cannot enter the sewerage system, either directly or indirectly, the person having charge of the property may request permission from the City to install at his own expense either an approved meter or meters to determine the quantity of water that cannot enter the sewerage system or an approved sewage-measuring device or devices to determine the volume of sewage that actually enters the sewerage system; when appropriate, the City reserves the right to determine by whatever other means and methods it may find practicable the percentage of the property's metered water that enters the sewerage system. In any case the service charge shall be based on the quantity of water that can or actually does enter the public sewers but in no case shall it be less than the minimum charge for the class of user served.

Sec. 24-25. Metering of Sewage.

The City may require a person to install and maintain at his own expense an approved device to measure directly the volumes of wastes discharged to the sewerage system if these volumes cannot otherwise be determined from the metered-water consumption records. The City shall inspect and approve such installation and no such service, once installed, shall be removed without the City's approval.

Sec. 24-26. Exempt Water Sprinkling.

A residential water consumer shall be billed for sewage service beginning with the billing of District 19 on or about July 1 and ending with the billing District 17 on or about October 1, as follows: The monthly sewage charge shall be the lesser of a charge based on the actual or estimated water consumption or a charge based on twice the consumer's average monthly consumption during the prior bi-monthly meter reading period. This bi-monthly period begins with the reading or estimating of District 19 on or about March 15. A new account without a bi-monthly meter reading period prior to the exempt water sprinkling period shall be billed the lesser of a charge based on the actual (or estimated water consumption) or a charge based on twice the minimum sewage rate during the sprinkling period. A water consumer without an actual read at the end of the exempt water sprinkling period shall be allowed a sewer credit based on an average monthly usage as computed from the date of the Utilities' last actual read to the date of the Utilities' actual read made after the end of the exempt water sprinkling period. In no case, shall the sewage charge be less than the minimum for the water meter size

installed. The provisions of this section shall not apply to any residential water consumers who use any part of their water for any commercial or industrial purpose.

Article VI. User Charges

Sec. 24-27. User Volume Charges.

The water usage schedule upon which charges for services rendered by the Sewer Utility shall be based on water consumption unless otherwise metered or exempted in accordance with the following user classifications and the following charges for services for each such classification:

- Service Charge (cents per 100 cu. ft.)

	<u>Class of User</u>	
	<u>Domestic</u>	<u>Manufacturing</u>
Treatment	17.1	17.1
Conveyance, Collection, Billing	16.6	10.8
Capital	<u>10.7</u>	<u>8.1</u>
Total User Charge	44.4	36.0

Sec. 24-28. User Minimum Charges.

In the event the monthly sewage service charge calculated in accordance with the water consumption schedule in Sec. 24-27. does not exceed the minimum monthly charge for each class of user as set forth thereafter user shall pay said minimum monthly charge in lieu of the charge calculated based on water usage, as follows:

<u>Water Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8 - 3/4"	\$ 2.22
1 - 1 1/2"	7.83
2"	15.98
3"	32.10
4"	53.36
6" or larger	148.21

Sec. 24-29. User Flat Charges.

In the event any user is not a metered water customer, there shall be imposed flat charge rates as follows:

<u>Classification of Customer</u>	<u>Monthly Flat Charge (1)</u>	
	<u>In-City</u>	<u>Out-City</u>
Domestic User - Single Family Residence	\$ 4.44	\$ 5.33
Domestic User - Multi Family Residence	To be estimated by City	
Commercial and Industrial User	To be estimated by City	

(1) Subject in addition, if applicable, to zone surcharge. Estimates of monthly flat charges for multi-family residences shall be based on the number of family units accomodated by the system multiplied by the single family residence monthly charges. Estimates of monthly flat charges for commercial and industrial establishments shall be either estimated based on number of employees, manufacturing processes used and other pertinent sewer use indicators or based on upon outfall measurements where available.

Sec. 24-30. Contract Customers - Unit and Other Charges.

In the event the City consummates a contract to serve as a regional treatment plant for any other municipality or private sewage utility, either contiguous to the City or in its environs, said contract shall provide for the following unit charges:

(a) Volume Charge (cents per 100 cu. ft.)

Treatment	17.1
Capital Charge	<u>10.7</u>
	27.8

(b) Variable Charge (cents per 100 cu. ft.)

A variable charge for conveyance and collection costs attributable to that portion of the conveyance system and operating costs associated therewith used by the contract customer shall be computed by the City and added to the volume charge.

(c) Flat Charge.

In addition to the foregoing charges based on volume of sewage treated and conveyed each contract customer will pay a monthly billing charge of \$.50 and a monthly surveillance charge of \$75.00.

(d) Excess Strength of Wastes Surcharge.

In the event a contract customer contribution waste having a strength in excess of domestic waste characteristics, as hereinbefore defined, a surcharge based on the following unit process charge will be in effect for all waste found to be in excess of limitations:

Cents Per Pound

Suspended Solids - (SS) 3.587

Biochemical Oxygen Demand - (BOD) 3.582

Phosphorus - (P) 34.324

(e) Capital Surcharge.

In the event contract customer delivers sewage for treatment to City for a period of 90 consecutive days which is in excess of base MGD contracted for, then customer will be subject to an additional capital charge computed at the capital charge (per 100 cu. ft.) then in effect times the excess percentage of MGD represented by dividing actual MGD by contracted MGD.

(f) Other Provisions.

In the event sewage received pursuant to any contract entered into under this section exceeds any of the limitations imposed by this Chapter, the City shall have the right to impose all charges, limitations and penalties applicable to any non-contract user served by the City. Each contract entered into by the City pursuant to the foregoing rate classification shall provide that contract customer shall agree to enact and maintain a Sewer Use Ordinance, Industrial Cost Recovery System and User Charge System acceptable to the City and in conformance with the City's obligations under Sec. 2048 (1), Public Law 92-500 as amended and supplemented and guidelines and regulations promulgated thereunder by the U.S. Environmental Protection Agency and 40 CFR 35.905-8, 35-928-1 and 35-928-2, and 35-935-13.

Sec. 24-31. Bulk Waste Charges.

Industrial - For all industrial waste picked up from customer and hauled in City's vehicles to plant - \$148.75 per load.

Domestic - For all domestic waste delivered to plant by customer's truck or tank - \$21.75 per load. For purposes of computing charges hereunder, a load is defined as 1,000 gallons of tank capacity.

Sec. 24-32. Annual Review of Service Charges.

Prior to May 1 of each year, the General Auditor of the City Utilities and an independent certified public accountant employed for that purpose shall submit to the Board of Public Works a comparison of the calculated unit cost for flow, removal of BOD, suspended solids, and phosphorus year, with the unit charges currently in effect from which the Board shall determine whether the current service charges and surcharges are adequate or should be changed. The methodology utilized in developing this cost comparison shall include:

1. A system including the distribution of the cost of operation and maintenance of the treatment works of the WPC Utility to each user class in proportion to such user's contribution to the total waste loading of the treatment works. Factors such as strength, volume, and delivery flow characteristics shall be considered and included as the basis for the user's contribution to insure a proportional distribution of operation and maintenance and replacement costs to each user class.

2. Total annual service charges and surcharges collected from each individual user class shall be deemed sufficient if said charges have generated during the prior

operating period sufficient revenue to offset the cost of all treatment works operation and maintenance provided by the Utility, including cost of management, system repair and replacement, debt retirement and other costs incidental to the Utility Operation attributable to such class.

Article VII. Strength-of-Wastes Surcharge

Sec. 24-33. Liability for Surcharge.

Each user discharging wastes into the sewerage system shall be subject to a strength of wastes surcharge, in addition to other sewage service charges imposed by this ordinance, based on the following minimum strength characteristics to the extent that such wastes are in concentrations greater than as follows:

- a. Biochemical oxygen demand of 220 milligrams per liter.
- b. Chemical oxygen demand of 440 milligrams per liter.
- c. Suspended solids content of 250 milligrams per liter.
- d. Phosphorus content of 10 milligrams per liter.

Sec. 24-34. Computation of Surcharge.

The surcharge shall be determined as follows:

- a. The excess pounds of BOD or COD (whichever results in the higher charge) suspended solids, and phosphorus will each be computed by first multiplying the user's billing sewage volume measured in units of 100 cubic feet for the current billing period by the factor 0.0062321 and then multiplying

this product by the difference between (a) the concentrations measures in milligrams per liter of the BOD (or COD), suspended solids, and phosphorus respectively in the user's sewage and (b) the allowed concentrations set out in paragraph 801. The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge set out in paragraph 803. In the event COD measurement is used, as hereinbefore provided, 50% of the excess pounds measured will be used to compute the equivalent BOD charge.

Sec. 24-35. Rates of Surcharge.

The rate of surcharge for each of the aforementioned constituents shall be as follows:

- | | |
|--|------------------------|
| a. For biochemical oxygen demand - (BOD) | 3.582 cents per pound |
| b. For suspended solids (SS) | 3.587 cents per pound |
| c. For phosphorus (P) | 34.324 cents per pound |

Sec. 24-36. Waste Evaluation Charges.

All users discharging wastes into the system requiring continuing surveillance sampling and waste evaluation shall be subject to a monthly fixed charge to cover the costs of such services in the amount of \$75.00 per discharge point.

Sec. 24-37. Revision of Rates of Surcharge.

Prior to May 1 of each year, the General Auditor of the City Utilities and an independent certified public accountant employed for that purpose shall submit to the Board of Public Works a comparison of the calculated unit costs for removing

BOD, suspended solids, and phosphorus from the Sewage Treatment Plant influent during the previous calendar year with the unit charges currently in effect in order that the Board may determine whether the current rates of surcharge are adequate or should be changed and request legislative enactment of said changes by the Common Council.

Article VIII. Billing of Service Charges

Sec. 24-38. Billing Period.

Charges for sewerage service shall be prepared and billed by the General Office of the City Utilities along with the bills for water service and shall be payable at the General Office at the same time as the water bills.

Sec. 24-39. Liability for Payment.

The charges for sewerage service shall be billed to the person being billed for water service unless, by contract with the Utility, another person assumes such responsibility. If a tenant is billed, the owner shall not thereby be relieved of liability in the event payment is not made by the tenant as herein required but such owner shall save City harmless from any loss due to the delinquency of his said tenant. Such owner shall have the right to examine the City's collection records to ascertain whether such charges have been paid and the amount thereof.

Sec. 24-40. First Billings.

The rates, charges and surcharges fixed in this Chapter shall extend to and cover any additional premises hereafter served,

without hearing or notice. If the first billing to a new user covers a period other than a full billing month, then the service charges for such billing shall be made in keeping with standard practice in the Water Utility. Subsequent sewerage service billings shall be for periods coinciding with the billing periods for water service. If such rates, charges and/or surcharges are changed, the first billing after such change may also be for a period other than a full billing month in order to keep the sewerage billing periods coincident with the water billing periods.

Sec. 24-41. City Subject to Charges.

For sewerage service rendered to the City, or any department, structure or property, thereof, the City shall be subject to the same rates and charges herein established for other persons, or to rates and charges established in harmony herewith.

Sec. 24-42. Consolidation of Accounts.

Where an industrial, commercial or other non-residential enterprise is operating in a unified manufacturing or service area composed of two or more contiguous parcels of real estate and is supplied with water through two or more meters, upon application by the owner or his authorized agent, a consolidation of the water meter readings may be made for the purpose of calculating the sewerage service charge.

Article IX. Delinquent Accounts

Sec. 24-43. How Delinquencies Arise.

Charges for sewerage service levied pursuant to this ordinance shall be due and payable on or before the due dates shown on

the bills. Any service charge not paid by the due date shown shall be considered delinquent. Such delinquent charge together with any applied penalty shall be collectible as hereinafter set forth.

Sec. 24-44. Collection Through Shutting Off Water Service.

Where the property having a delinquent sewerage account is served by the City's Water Utility, the City may, after mailing a written notice at least ten days in advance to the water consumer and to the property owner, shut off the water service to the property. The water service shall not be turned back on until the delinquent service charges and the costs of shutting off and turning on the water service have been paid.

Sec. 24-45. Collection Through the Tax Duplicate.

As provided by the Statutes of Indiana, delinquent sewerage service charges may be made a lien against the property serviced through certification to the Auditor and to the Recorder of Allen County. In such case, the delinquent service charges, together with a mandatory penalty of ten percent, shall be placed on the tax duplicate and be collected in the same manner as regular taxes and assessments are collected.

Sec. 24-46. Collection Through Court Actions.

In addition to the foregoing remedies, the City has the right to bring a civil action to recover any delinquent charges together with a penalty of ten percent and a reasonable attorney's fees. It also has the right, as provided by the Statutes of Indiana, to foreclose any lien established under the provisions of paragraph 24-45, with recovery of the charge, a penalty of ten percent and a reasonable attorney's fees.

Article X. Accounting for Sewerage Service Charges

Sec. 24-47. The City Controller shall establish and maintain, for as long as user charges and surcharges are collected under the rate schedule instituted herein, accounts for the Sewage Works Improvement Fund as required by prior ordinances relating to the issuance of sewage works revenue bonds now outstanding and further in accordance with the laws of the State of Indiana relative to the deposit and disbursement of public funds.


SECTION 2. Severability. The invalidity of any section, sentence, clause or provision in this Ordinance shall not affect the validity of any other section, sentence, clause or provision of this Chapter which can be given meaning without such invalid part or parts.

SECTION 3. All Ordinances or parts of Ordinances and sections of the 1974 City Code in conflict herewith are hereby repealed.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and due legal publication thereof.

COUNCILMAN

APPROVED AS TO FORM AND
LEGALITY JULY 3, 1980.



JOHN E. HOFFMAN
City Attorney

Read the first time in full and on motion by Burns, seconded by Salmon, and duly adopted, read the second time by title and referred to the Committee City Clerk (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on 7-8-80, the 7 o'clock M., E.S.T.

DATE: 7-8-80

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Burns, seconded by Salmon, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>0</u>			
<u>BURNS</u>	<u>✓</u>				
<u>EISBART</u>	<u>✓</u>				
<u>GiaQUINTA</u>	<u>✓</u>				
<u>NUCKOLS</u>	<u>✓</u>				
<u>SCHMIDT, D.</u>	<u>✓</u>				
<u>SCHMIDT, V.</u>	<u>✓</u>				
<u>SCHOMBURG</u>	<u>✓</u>				
<u>STIER</u>	<u>✓</u>				
<u>TALARICO</u>	<u>✓</u>				

DATE: 7-22-80

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING-MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. 5-14-80 on the 22nd day of July, 19 80.

ATTEST:
Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

(SEAL)
Vivian G. Schmidt
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of July, 19 80, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 20th day of July, 19 80, at the hour of 2 o'clock P. M., E.S.T.

Winfield C. Moses, Jr.
WINFIELD C. MOSES, JR.
MAYOR

BILL NO. G-80-07-20 (as amended in committee)

REPORT OF THE COMMITTEE ON CITY UTILITIES

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS REFERRED AN
ORDINANCE amending Chapter 24 of the Code of the City of Fort
Wayne, Indiana of 1974

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE as PASS.

PAUL M. BURNS, CHAIRMAN

BEN EISBART, VICE CHAIRMAN

JOHN NICHOLS

MARK GIAQUINTA

ROY SCHOMBURG

CONCURRED IN

DATE 7-22-80

CHARLES W. WESTERMAN, CITY CLERK

REVISION OF CHAPTER 24, FORT WAYNE MUNICIPAL CODE
GENERAL RULES AND REGULATIONS

ACCORDING TO FEDERAL REGULATIONS 40-CFR-403, FEDERAL PRETREATMENT GUIDELINES PUBLISHED IN 1979 MUST BE OBSERVED BY A MUNICIPALITY IN ORDER TO RECEIVE THEIR NPDES PERMIT.

ANY MUNICIPALITY WITH A FIVE MILLION GALLON OPERATION IS CONTROL AUTHORITY TO ENFORCE FEDERAL, INTERSTATE, STATE AND LOCAL REGULATIONS.

ALSO, THE TOXIC SUBSTANCES AND CLEAN WATER ACT OF 1977 MANDATES THAT MUNICIPALITIES CONTROL THE DISCHARGE FROM THEIR WATER FILTRATION AND WATER POLLUTION CONTROL PLANT AND THE SLUDGE THEREFROM.

THEREFORE, IT IS NECESSARY TO CHANGE THE CITY OF FORT WAYNE'S ORDINANCE WITH REVISIONS SUGGESTED BY LON BRUMFIELD, OF THE INDIANA STATE BOARD OF HEALTH IN ORDER TO COMPLETE THE CITY OF FORT WAYNE'S PRETREATMENT PROGRAM REQUIREMENT OF THE STATE AND EPA.

STATE APPROVAL OF THIS CHAPTER 24, GENERAL RULES AND REGULATIONS, SEWER AND SEWERAGE SYSTEM ORDINANCE MUST BE RATIFIED AND IN THE HANDS OF THE STATE FOR THEIR APPROVAL BY AUGUST 1, 1980.

FORT WAYNE MUNICIPAL CODE
CHAPTER 24
SEWER AND SEWERAGE SYSTEM

Article I. Definitions

Unless the context specifically indicates otherwise, the meanings of the following terms as used in this ordinance or as used in the rules and regulations adopted by the Board of Public Works to implement the provisions of this ordinance shall be as follows:

101. "Act" shall mean the Federal Water Pollution Control Act also known as the Clean Water Act as amended, PL 95-217.
102. "Biochemical Oxygen Demand" (or BOD) of sewage, sewage effluent, polluted waters or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 20° Centigrade. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" (see 134).
103. "Building (or House) Drain" shall mean that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to a point approximately three feet outside the foundation wall of the building.
104. "Building (or House) Sewer" shall mean the pipe which is connected to the building (or house) drain at a point approximately three feet outside the foundation wall of the building and which conveys the building's discharge from that point to the public sewer or other places of disposal.
105. "Chemical Oxygen Demand" or (COD) of sewage, sewage effluent, polluted waters or industrial wastes is a measure of the oxygen equivalent to that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in "Standard Methods".
106. "City" shall mean the City of Fort Wayne, Indiana, or any duly authorized officials acting in its behalf.
107. Classification of users:
 - 107.1 "Domestic Class" user shall mean a user discharging normal domestic sewage, as hereinafter defined, into the system.
 - 107.2 "Industrial Class" user shall mean any user falling within Division A, B, D, E, or I as described in the Standard Industrial Classification Manual, 1972, Office of Management and Budget as amended and supplemented. A user described in the divisions listed therein may be excluded if it is determined that it will introduce primarily segregated domestic waste or waste from sanitary conveniences. Users not listed therein may be included in this class of customer because of production of excess strength waste or toxics in excess of limits described hereafter.

108. "Effluent" shall mean the water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet.
109. "Emergency" shall mean a combination of unforeseen circumstances which require an immediate remedy. Said emergency shall be declared by the Common Council and shall be limited to a specific time period.
110. "Garbage" shall mean any solids wastes from the preparation, cooking or dispensing of food and from the handling, storage or sale of produce.
111. "Ground Garbage" shall mean garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in public sewers, with no particle being greater than one-half inch in dimension.
112. "Industrial Wastes" shall mean any solid, liquid or gaseous substance or form of energy discharged, permitted to flow or escaping from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by any person as defined in 119.
113. "Influent" shall mean the water, together with any wastes that may be present, flowing into a drain, sewer, receptacle or outlet.
114. "Major Industrial User" shall mean an industrial user of the publicly-owned treatment works that: (a) has a flow of 50,000 gallons or more per average work day; (b) has a flow greater than 5% of flow carried by the municipal system receiving the waste; (c) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Act; or (d) is found by the permit issuance authority in connection with the issuance of the NPDES Permit to the publicly-owned treatment works receiving the waste, to have significant impact, whether singularly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.
115. "Normal Domestic Sewage" as defined for the purpose of determining eligibility for payment of surcharge shall mean sewage having an average daily suspended solids concentration of not more than 250 milligrams per liter, an average daily BOD of not more than 220 milligrams per liter, and an average daily phosphorus concentration of not more than 10 milligrams per liter.
116. "NPDES Permit" shall mean a National Pollutant Discharge Elimination System Permit as issued by the Indiana Stream Pollution Control Board for discharges of waste waters to navigable waters of the United States pursuant to Section 402 of Public Law 95-217.
117. "Operation and Maintenance Costs" shall mean all costs direct and indirect other than debit service necessary to insure adequate waste water treatment on a continuing basis conforming with federal, state and local requirements and to insure optimal long-term facilities management. These costs include replacement costs as defined in 124.

118. "Outlet" shall mean any outlet, natural or constructed, which is the point of final discharge of sewage or of treatment plant effluent into any watercourse, pond, ditch, lake or other body of surface or ground water.
119. "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, commercial establishment or restaurant, association, society, institution, enterprise governmental agency or other entity.
120. "pH" shall mean the logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram-atoms per liter of solution.
121. Pollutant:
- 121.1 "Compatible Pollutants" shall mean waste containing biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria.
- 121.2 "Incompatible Pollutants" shall mean waste with any pollutant that is not a compatible pollutant.
122. "Receiving Stream" shall mean the watercourse, stream or body of water receiving the waters finally discharged from the sewage treatment plant.
123. "Residential Property Unit" shall mean a building under one roof designed, arranged and used primarily for dwelling purposes by a single family.
124. "Replacement Cost" shall mean that cost stated in current monetary values as an operating cost which represents and measures the day-to-day consumption and attrition of physical assets in rendering service to users.
125. "Sanitary Sewage" shall mean sewage discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions and free from storm water, surface water and industrial wastes.
126. "Service Charge" shall mean the basic assessment levied on all users of the public sewerage system for wastes which do not exceed in strength the concentration values above for which a strength-of-wastes surcharge will be made.
127. "Sewage" shall mean the water-carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and storm waters as may be present.
128. "Sewage Treatment Plant" or "Water Pollution Control Plant" shall mean the arrangement of devices, structures and equipment used for treating and disposing of sewage and sludge.
129. "Sewage Utility" or "Water Pollution Control Utility" shall mean all facilities for collecting, transporting, pumping, treating and disposing of sewage and sludge, namely the sewerage system and the sewage treatment plant.
130. "Sewer" shall mean a pipe or conduit for carrying sewage or other waste liquids.
- 130.1 "Combined Sewer" shall mean a sewer which carries both storm, surface and ground-water runoff and sewage.

- 130.2 "Public Sewer" shall mean a sewer in which all owners of abutting property have equal rights and which is controlled by public authority.
- 130.3 "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters and unpolluted industrial waste waters are not intentionally admitted.
- 130.4 "Storm Sewer" shall mean a sewer which carries storm, surface and ground-water drainage but excludes sewage.
131. "Sewer Engineer" shall mean the Chief Sewer Engineer of the City of Fort Wayne or his duly authorized representative; the term shall be equivalent to the expression "Water Pollution Control Engineer".
132. "Sewerage System" shall mean the network of sewers and appurtenances used for collecting, transporting and pumping sewage to the Sewage Treatment Plant.
133. "Shall" is mandatory; "may" is permissible.
134. "Standard Methods" shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater", published jointly by the American Water Works Association and the Water Pollution Control Federation.
135. "Strength-of-Wastes Surcharge" shall mean the additional charges for sewage service collected from users discharging sewage into the system having a strength measurement in excess of the limits imposed elsewhere in this Ordinance.
136. "Superintendent" shall mean the Superintendent of the Sewage Treatment Plant (or Water Pollution Control Plant) of the City of Fort Wayne or his duly authorized representative.
137. "Suspended Solids" shall mean solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determinations shall be made in accordance with procedures set forth in "Standard Methods".
138. "Waste Surveillance Charge" shall mean a monthly charge collected from users qualifying as industrial class users to defray the cost of evaluating customer's waste by metering and laboratory devices and/or any other methods deemed necessary. Said charges shall be set forth in Article VII and shall be subject to review annually based on the frequency of surveillance required and the cost thereof of this class of users.
139. "Watercourse" shall mean a channel in which a flow of water occurs either continuously or intermittently.

Article II. General Provisions

201. Bylaws, Rules and Regulations. The Board of Public Works of the City of Fort Wayne shall, in accordance with the Statutes of Indiana, make and enforce whatever bylaws, rules and regulations it may deem necessary for the safe, economical and efficient management of the City's Sewage Utility, for the construction and use of building sewers and connections to the sewerage system, for the regulation, collection and refunding of the rates and charges for sewerage service and, in general, for the implementation of the provisions of this ordinance.
202. Requirements for Connection to Public Sewers. No owner or occupant of any real property shall tap or drain either directly or indirectly into any public sewer until a sewer tap permit has been obtained and until he has satisfied his obligation to pay all assessments, reimbursements or pro rata shares of sewer extension costs laid against that property for public sewers installed to serve it. A tap permit given in error shall not operate to nullify any such obligation that has been duly recorded.

Tap permits shall be obtained from the City's Permit Office and shall be issued only to licensed sewer tap contractors, who shall pay to the Sewage Utility a fee of thirty-five dollars for each tap permit for a normal six-inch service, a fee of seventy dollars for each tap permit for a special six-inch service and a fee of seventy dollars for each tap permit for a service larger than six inches. After making each sewer tap and building sewer installation, the tap contractor shall notify the Sewer Engineer so that the tap and the building sewer can be inspected and approved before the excavation is backfilled. Any tap or building sewer installation not made in accordance with the foregoing provisions shall be deemed an illegal installation and, upon discovery, shall be promptly disconnected at the expense of the property owner and shall remain disconnected until the provisions of this paragraph 202 have been complied with.

The Board of Public Works shall have the authority to require an owner of real property to disconnect from a building sewer which drains into a sanitary sewer any downspouts, yard drains or other drains which carry the runoff of natural precipitation. Property owners shall have thirty days after notice to comply with any such requirements.

New connections should be made only after there has been adequate assurance by City that the downstream facilities of the sewage works have adequate capacity to handle the new waste loadings.

No persons shall make connections of roof downspouts, exterior foundation drains, or other sources of surface run-off or ground water to a building sewer or building drain which is connected directly or indirectly, to a sanitary sewer of the City.

Any and all private sewer systems of any kind now existing in or on premises where a public sewer is now or may hereafter become available shall be discontinued, emptied of its contents, cleaned out and be filled with earth or ashes, and the house sewer shall be disconnected from the existing private sewage system and be connected to the public sewer. All such connections to the public sewer shall be made within ninety days of the date the public sewer becomes available.

203. Extensions of Sewers Outside Corporate Limits. The installation, construction or extension of sewers by the City outside the corporate limits of the City and the connection or extension of sewers into the City's sewerage system from, by or for properties located outside such limits shall be prohibited, except upon prior approval by the Common Council of the City by duly enacted ordinance.
204. Connections to Sewerage System by Certain Out-of-City Properties. Notwithstanding the provisions of paragraph 203, the Board of Public Works of the City shall have the authority to permit a property located outside the corporate limits of the City to connect to an existing sewer which is part of the City's sewerage system, provided the property abuts, adjoins and is immediately contiguous to the street, alley or easement in which such sewer is located and provided the property owner or occupant has complied with the conditions set out in paragraph 202.
205. Violations and Penalties. Any person found to be violating or failing to comply with any of the provisions of paragraphs 202, 206, 301, 401 through 405, 501, through 503, 602 or 605 shall be served by the City with a written notice stating the nature of the violation and providing a reasonable time limit for its satisfactory correction. The offender shall, within the period of time stated in the notice, permanently cease all violations.
- Any person who shall continue any violation beyond the stated time limit shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine in any amount not less than \$100.00 and not more than \$500.00. Each day in which any such violation shall continue shall be deemed a separate offense.
- Any person violating any of the provisions of the paragraphs set out above and convicted thereof shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.
206. Responsibility For City Property. No unauthorized person, firm, or corporation shall maliciously, willfully, or negligently break, damage, destroy, remove, deface, or tamper with any structure, appurtenance, or equipment which is part of or belonging to the Water Pollution Control Plant. Any person violating this provision shall be subject to immediate arrest under charge of a misdemeanor.
207. Amendment. The City of Fort Wayne reserves the right to amend this chapter of the Municipal Code, including the rates herein established, in part or in whole, as provided and permitted by the Statutes of Indiana, whenever it may deem it necessary.

Article III. Prohibited Industrial Discharges

301. Prohibitions and Limitations. Except as hereinafter provided, no person shall discharge or cause to be discharged to any public sewer any of the following described substances, wastes or waters.
- 301.1 Any liquid or vapor having a temperature greater than 140° Fahrenheit.
- 301.2 Any waters or wastes containing more than 100 milligrams per liter of fats, oils, greases or waxes.
- 301.3 Any gasoline, benzene, naphtha, fuel oil or mineral oil or any other flammable or explosive liquid, solid or gas.
- 301.4 Any noxious or malodorous gas or substance which, either alone or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
- 301.5 Any garbage that has not been properly ground.
- 301.6 Any ashes, cinders, sand, mud, straw, shavings, wood, metal, glass, rags, feathers, tar, plastics, paunch manure, butchers' offal or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system or the Sewage Treatment Plant.
- 301.7 Any waters or wastes having a pH lower than 6 or higher than 10 or having any other corrosive property capable of causing damage or posing hazards to the structures, equipment or personnel of the Sewage Utility.
- 301.8 Any waters or wastes containing toxic substances, as defined under Section 307(b) & (c) of the Clean Waste Act (PL 95-217) in sufficient quantity to interfere with the viological processes of the Sewage Treatment Plant or that will pass through the Plant into the receiving stream in amounts exceeding the standards set by federal, interstate, state, or other competent authority having jurisdiction, or will prevent the disposal of the sludges by the Plant in accordance with Section 405 of the Act.
- 301.9 Any toxic radioactive isotopes, without a special permit. The radioactive isotopes I 131 and P 32 used in hospitals are not prohibited, if they are properly diluted before being discharged into the sewerage system, as further defined in Rules and Regulations.
- 301.10 Any waters or wastes that for a duration of 15 minutes or more have a concentration more than 5 times the average concentration of the BOD or the suspended solids of the user's sewage discharged during a twenty-four hour period of normal operation.

301.11 Any waters or wastes containing suspended solids of such character and quantity that unusual provision, attention and expense would be required to handle such materials at the Sewage Treatment Plant, its pumping stations or other facilities.

301.12 Any waters or wastes containing incompatible pollutants as defined herein.

301.13 Any toxic ions, compounds or substances exceeding the amounts of concentrations as set out below, or as set out in any categorical pretreatment standards of a federal, interstate, state, or local authority which ever is more stringent.

<u>Constituent</u>	<u>Concentration (mg/l)</u>
Arsenic	0.10
Barium	2.00
Cadmium	0.50
Chromium (total)	2.50
Chromium (Hexavalent)	0.50
Copper	2.00
Fluoride	2.00
Iron	5.00
Lead	0.50
Manganese	0.10
Selenium	0.02
Silver	0.20
Zinc	5.00
Mercury	0.01
Sulphide (as S)	10.00
Tin	2.00
Cyanide	1.00
Phenol	0.50
Chlorine	10.00

301.14 The City reserves the right to refuse connection to any prospective user in the event the sewage service requirements of said user, in the judgment of the Board of Works, would impose an emergency on the utility. The City further reserves the right, in the event of an emergency, to restrict the allowable discharge received from all large system users during the time of such emergency.

302. Responsibility for Obstructing or Damaging Sewers. If a public sewer becomes obstructed or damaged because any of the aforementioned substances were improperly discharged, the person or persons responsible for such discharge shall be billed and shall pay for the expenses incurred by the City in cleaning out, repairing or rebuilding the sewer.

303. Special Agreements. No statement contained in this article shall be construed as prohibiting any special agreement or arrangement between the City and any person whereby an industrial waste of unusual strength or character may be accepted by the City for treatment either with or without pretreatment, provided there is no impairment of the functioning of the Sewage Utility by reason of the admission of such wastes and no extra costs are incurred by the City without recompense by the person.

Article IV. Admissible Commercial and Industrial Wastes

401. Prior Approval for Certain Wastes. Review and acceptance by the Superintendent shall be obtained prior to the discharge into the public sewers by any industrial class customer of sewage whose wastes have:
- 401.1 A BOD greater than 220 milligrams per liter or COD greater than 440 milligrams per liter when BOD cannot be measured or when COD measurements result in a higher charge.
- 401.2 A suspended solids content greater than 250 milligrams per liter.
- 401.3 A phosphorus content greater than 10 milligrams per liter.
- 401.4 Other contaminants which from their nature or quantity (a) will interfere with the operation of the Sewage Utility, including interference with its use or disposal of sludge; (b) will pass through the treatment works or otherwise be incompatible with such works; (c) will prevent the reclamation and/or recycling of municipal or industrial wastewaters and sludges.
402. Pretreatment Facilities. When, after making such a review, the Superintendent concludes that, before the person discharges his wastes into the public sewers, he must modify or eliminate those constituents which would be harmful to the structures, processes or operations of the Sewage Utility or injurious to health, then the person shall either modify his wastes at the point of origin or shall provide and operate at his own expense such preliminary treatment or processing facilities as may be determined to be necessary to render his wastes acceptable for admission to the public sewers.
403. Prior Approval of Pretreatment Facilities. Plans, specifications and any other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted to the City for examination and approval and no construction of such facilities shall begin until the City through its Board of Public Works, has given its written approval. Such approval shall not exempt the person from the obligation to make further reasonable adaptations of such facilities when such adaptations prove necessary to secure the results desired. The approval of proposed facilities or equipment by the City does not, in any way guarantee that these facilities or equipment will function in the manner described by their constructor or manufacturer; nor shall it relieve a person, firm or corporation of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose.
404. Operation of Pretreatment Facilities. Where such preliminary treatment facilities are provided, they shall be maintained continuously in satisfactory and effective operating condition by the person at his own expense and shall be subject to periodic inspection by the City. The person shall maintain suitable operating records and shall submit to the Superintendent such monthly summary reports of the character of the influent and effluent as the latter may prescribe.
405. Grease and Sand Traps. Whenever the Board of Public Works determines that interceptors or traps are needed to protect the sewerage system or the operations of the Sewage Treatment Plant from grease, oil, sand or similar substances occurring in a user's sewage, then such traps shall be installed by the user on his own lines at his own expense and shall be so maintained by him that none of such substance can be carried over into the public sewers. All traps shall meet the City's standards as to construction, location and installation.

Article V. Control of Admissible Industrial Wastes

501. Submission of Data on Industrial Wastes. Any person who discharges industrial wastes into the City's sewerage system, either directly or indirectly, shall, upon the written request of the Board of Public Works, fill out and file with the City within ninety days an Industrial Waste Questionnaire to be furnished by the City, in which he shall set out the quantity and characteristics of the wastes discharged into the City's sewerage system. Similarly, any person desiring to establish a new connection to a public sewer for the purpose of discharging industrial wastes shall be required to fill out and file such a questionnaire, which shall include actual or predicted data relating to the quantity and characteristics of the wastes to be discharged.

When special circumstances such as the size or complexity of his sewage disposal problem would make complying with the time schedule cited above an unreasonable burden on the person, an extension of time, not to exceed ninety days, may be granted by the Board of Public Works upon presentation of a proper application

502. Control Manholes. Any person discharging industrial wastes into a public sewer, either directly or indirectly, may be required by the Board of Public Works, upon the recommendation of the Superintendent, to construct and maintain at his own expense one or more control manholes at a specified location or locations to facilitate the observation, measurement and sampling of his wastes. Such manholes shall be constructed in accordance with the standards and specifications of the City. The Board may also require the person to install and maintain in any such manhole at said person's expense an approved volume-measuring device. Plans for the installation of control manholes and related equipment must be approved by the Board of Public Works, upon the recommendation of the Superintendent and the Sewer Engineer, before construction is begun.
503. Waste Sampling. Any industrial wastes discharged into the public sewers shall be subject to periodic inspection and determination of character and concentration. The examination shall be made as often as the Superintendent deems it necessary and may include the use of suitable continuously monitoring instruments in appropriate cases. Samples shall be collected either manually or by approved mechanical devices and in such a manner as to be representative of the overall composition of the wastes.

The installation, operation, and maintenance of sampling facilities shall be the responsibility of the person discharging the wastes and shall be subject to the approval of the Board of Public Works. Access to sampling facilities shall be granted at all times to the Superintendent or his duly authorized representative.

Where a person's operations have security measures in force which require proper identification and clearance before entry onto said person's property is granted, such person or persons shall make the necessary arrangements with their security guards that upon showing proper identification personnel from the City will be permitted to enter, without delay for the purpose of obtaining samples of wastes or monitoring of wastes being discharged at various sampling points or the person or persons shall install suitable sampling manholes outside of security limits, which at all times be immediately available to City personnel.

504. Waste Analyses. Laboratory procedures used in the examination of inudstrial wastes shall be those set forth in "Standard Mehtods" or "Guidelines Establishing Test Procedures for Analysis of Pollutants" as set forth in Federal Register 40 CFR 136 dated October 16, 1973. However, alternative methods for certain analyses of industrial wastes may be used subject to mutual agreement between the Superintendent and the user. Further, in the event of a dispute between the Superintendent and the user as to the character, strength, toxic nature or other particulars of samples taken and analyzed by the City either party may require that samples in dispute be analyzed by a mutually acceptable referee whose charges will be paid by the party requesting analysis. The City shall make, without charge to the user, the initial analysis and regular periodic check analyses of the user's wastes as well as other tests the Superintendent may deem advisable. Analyses made by the City at the request of the user shall be charged to the user according to the Utility's standard work order billing practices. All such analyses shall be binding in determining strength-of-wastes surcharges and other matters dependent upon the character and concentration of wastes. (Note: Amended or added text is underlined.)
- 505: Use of Representative Analysis. Until an adequate analysis of a representative sample of user's wastes has been obtained, the City may, for the purpose of this ordinance, make a determination of the character and concentration of his wastes by using data based on analyses of similar processes or data for his type of business that are available from the United States Environmental Protection Agency or from industry-recognized authoritative sources. This mehtod, if selected by the City, shall continue at the City's pleasure or until an adequate analysis has been made.

Article VI. Service Charges Based on Water Usage

601. Water Obtained from the City's Water Utility. The charges made for sewerage service rendered to each lot, parcel of real estate or building having any connection with the City's sewerage system or otherwise discharging sewage into that system, either directly or indirectly, shall be based upon the quantity of water presumed to enter the public sewers after being used in or on the property, as the quantity is measured by the water meter or meters there in use by the City's Water Utility, except as herein otherwise provided.
602. Water Obtained from Other Sources. Where the property obtains any part or all of the water used from sources other than the City's Water Utility, the owner or the tenant may be required by the City to install and maintain at his own expense a meter or meters acceptable to the City for the quantity of water obtained from these other sources, or the City may determine the quantity of such water by whatever means and methods it may find practicable.
603. Exempt Water - General. Where a significant portion of the metered water does not and cannot enter the sewerage system, either directly or indirectly, the person having charge of the property may request permission from the City to install at his own expense either an approved meter or meters to determine the quantity of water that cannot enter the sewerage system or an approved sewage-measuring device or devices to determine the volume of sewage that actually enters the sewerage system; when appropriate, the City reserves the right to determine by whatever other means and methods it may find practicable the percentage of the property's metered water that enters the sewerage system. In any case the service charge shall be based on the quantity of water that can or actually does enter the public sewers but in no case shall it be less than the minimum charge for the class of user served.
604. Metering of Sewage. The City may require a person to install and maintain at his own expense an approved device to measure directly the volumes of wastes discharged to the sewerage system if these volumes cannot otherwise be determined from the metered-water consumption records. The City shall inspect and approve such installation and no such service, once installed, shall be removed without the City's approval.
605. Exempt Water Sprinkling. A residential water consumer shall be billed for sewerage service beginning with the billing of District 19 around the beginning of July and ending with the billing District 17 around the beginning of October as follows: The monthly sewage charge shall be the lesser of a charge based on the actual (or estimated water consumption) or a charge based on twice the consumer's average monthly consumption during the prior bimonthly meter read-

ing period. This bimonthly period begins with the reading or estimating of District 19 around the middle of March. A new account without a bimonthly meter reading period prior to the exempt water sprinkling period shall be billed the lesser of a charge based on the actual (or estimated water consumption) or a charge based on twice the minimum sewage rate during the sprinkling period. A water consumer without an actual read at the end of the exempt water sprinkling period shall be allowed a sewer credit based on an average monthly usage as computed from the date of the Utilities' last actual read to the date of the Utilities's actual read made after the end of the exempt water sprinkling period.

The provisions of this section shall not apply to any residential water consumers who use any part of their water for any commercial or industrial purpose. In no case, however, shall the sewage charge be less than the minimum for the water meter size installed.

ARTICLE VII. USER CHARGES

701. User Volume Charges.

The water usage schedule upon which charges for services rendered by the Sewer Utility shall be based on water consumption unless otherwise metered or exempted in accordance with the following user classifications and the following charges for services for each such classification:

Service Charge (cents per 100 cu. ft.)

	Class of User	
	<u>Domestic</u>	<u>Manufacturing</u>
Treatment	17.1	17.1
Conveyance, Collection, Billing	16.6	10.8
Capital	10.7	8.1
Total User Charge	44.4	36.0

702. User Minimum Charges

In the event the monthly sewage service charge calculated in accordance with the water consumption schedule exhibited above does not exceed the minimum monthly charge for each class of user as set forth hereafter, user shall pay said minimum monthly charge in lieu of the charge calculated based on water usage.

<u>Water Meter Size</u>	<u>Minimum Monthly Charge</u>
5/8 - 3/4"	\$ 2.22
1 - 1 1/2"	7.83
2"	15.98
3"	32.10
4"	53.36
6" or larger	148.21

703. User Flat Charges

In the event any user is not a metered water customer, there shall be imposed flat charge rates as follows:

<u>Classification of Customer</u>	<u>Monthly Flat Charge (1)</u>	
	<u>In-City</u>	<u>Out-City</u>
Domestic User - Single Family Residence	\$ 4.44	\$ 5.33
Domestic User - Multi Family Residence	To be estimated by City	
Commercial and Industrial User	To be estimated by City	

(1) Subject in addition, if applicable, to zone surcharge. Estimates of monthly flat charges for multi-family residences shall be based on the number of family units accommodated by the system multiplied by the single family residence monthly charges. Estimates of monthly flat charges for commercial and industrial establishments shall be either estimated based on number of employees, manufacturing processes used and other pertinent sewer use indicators or based on upon outfall measurements where available.

In the event the City consummates a contract to serve as a regional treatment plant for any other municipality or private sewage utility, either contiguous to the City or in its environs, said contract shall provide for the following unit charges:

Volume Charge (cents per 100 cu. ft.).

Treatment	17.1
Capital Charge	<u>10.7</u>
	27.8

Variable Charge (cents per 100 cu. ft.)

A variable charge for conveyance and collection costs attributable to that portion of the conveyance system and operating costs associated therewith used by the contract customer shall be computed by the City and added to the volume charge.

Flat Charge

In addition to the foregoing charges based on volume of sewage treated and conveyed each contract customer will pay a monthly billing charge of \$.50 and a monthly surveillance charge of \$75.00.

Excess Strength of Wastes Surcharge

In the event a contract customer contribution waste having a strength in excess of domestic waste characteristics, as hereinbefore defined, a surcharge based on the following unit process charge will be in effect for all waste found to be in excess of limitations:

	<u>Cents Per Pound</u>
Suspended Solids - (SS)	3.587
Biochemical Oxygen Demand - (BOD)	3.582
Phosphorus - (P)	34.324

Capital Surcharge

In the event contract customer delivers sewage for treatment to City for a period of 90 consecutive days which is in excess of base MGD contracted for, then customer will be subject to an additional capital charge computed at the capital charge (per 100 cu. ft.) then in effect times the excess percentage of MGD represented by dividing actual MGD by contracted MGD.

Other Provisions

In the event sewage received pursuant to any contract entered into under this section exceeds any of the limitations imposed by Chapter 24, the City shall have the right to impose all charges, limitations and penalties applicable to any non-contract user served by the City. Each contract entered into by the City pursuant to the foregoing rate classification shall provide that the contract customer shall agree to enact and maintain a Sewer Use Ordinance, Industrial Cost Recovery System and User Charge System acceptable to the City and in conformance with the City's obligations under Sec. 204B (1), Public Law 92-500 as amended and supplemented and guidelines and regulations promulgated thereunder by the U. S. Environmental Protection Agency and 40 CFR 35.905-8, 35.928-1 and 35.928-2, and 35.935-13.

705. Bulk Waste Charges

Industrial - For all industrial waste picked up from customer and Hauled in City's vehicles to plant - \$148.75 per load.

Domestic - For all domestic waste delivered to plant by customer's truck or tank - \$21.75 per load. For purposes of computing charges hereunder, a load is defined as 1,000 gallons of tank capacity.

706. Annual Review of Service Charges.

Prior to May 1 of each year, the General Auditor of the City Utilities and and independent certified public accountant employed for that purpose will submit to the Board of Public Works a comparison of the calculated unit cost for flow, removal of BOD, suspended solids, and phosphorus year, with the unit charges currently in effect in order that the Board may determine whether the current service charges and surcharges are adequate or should be changed. The methodology utilized in developing this cost comparison shall include:

1. A system including the distribution of the cost of operation and maintenance of the treatment works of the WPC Utility to each user class in proportion to such user's contribution to the total waste loading of the treatment works. Factors such as strength, volume, and delivery flow characteristics shall be considered and included as the basis for the user's contribution to insure a proportional distribution of operation and maintenance and replacement costs to each user class.
2. Total annual service charges and surcharges collected from each individual user class shall be deemed sufficient if said charges have generated during the prior operating period sufficient revenue to offset the cost of all treatment works operation and maintenance provided by the Utility, including cost of management, system repair and replacement, debt retirement and other costs incidental to the Utility Operation attributable to such class.

801. Liability for Surcharge.

Each user discharging wastes into the sewerage system shall be subject to a strength of wastes surcharge, in addition to other sewage service charges imposed by this ordinance, based on the following minimum strength characteristics to the extent that such wastes are in concentrations greater than as follows:

- a. Biochemical oxygen demand of 220 milligrams per liter.
- b. Chemical oxygen demand of 440 milligrams per liter.
- c. Suspended solids content of 250 milligrams per liter.
- d. Phosphorus content of 10 milligrams per liter.

802. Computation of Surcharge.

The surcharge shall be determined as follows:

- a. The excess pounds of BOD or COD (whichever results in the higher charge) suspended solids, and phosphorus will each be computed by first multiplying the user's billing sewage volume measured in units of 100 cubic feet for the current billing period by the factor 0.0062321 and then multiplying this product by the difference between (a) the concentrations measured in milligrams per liter of the BOD (or COD), suspended solids, and phosphorus respectively in the user's sewage and (b) the allowed concentrations set out in paragraph 801. The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge set out in paragraph 803. In the event COD measurement is used, as hereinbefore provided, 50% of the excess pounds measured will be used to compute the equivalent BOD charge.

803. Rates of Surcharge.

The rate of surcharge for each of the aforementioned constituents shall be as follows:

- a. For biochemical oxygen demand -(BOD) 3.582 cents per pound
- b. For suspended solids (SS) 3.587 cents per pound
- c. For phosphorus (P) 34.324 cents per pound

804. Waste Evaluation Charges.

All users discharging wastes into the system requiring continuing surveillance sampling and waste evaluation shall be subject to a monthly fixed charge to cover the costs of such services in the amount of \$75.00 per discharge point.

805. Revision of Rates of Surcharge

Prior to May 1 of each year, the General Auditor of the City Utilities and an independent certified public accountant employed for that purpose shall submit to the Board of Public Works a comparison of the calculated unit costs for removing BOD, suspended solids, and phosphorus from the Sewage Treatment Plant influent during the previous calendar year with the unit charges currently in effect in order that the Board may determine whether the current rates of sur-

Article IX. Billing of Service Charges

901. Billing Period. Charges for sewerage service shall be prepared and billed by the General Office of the City Utilities along with the bills for water service and shall be payable at the General Office at the same time as the water bills.
902. Liability for Payment. The charges for sewerage service shall be billed to the person being billed for water service unless, by contract with the Utility, another person assumes such responsibility. If a tenant is billed, the owner shall in no way be relieved of liability in the event payment is not made by the tenant as herein required. Such owner shall have the right to examine the City's collection records to ascertain whether such charges have been paid.
903. First Billings. The rates, charges and surcharges fixed in this ordinance shall be extended to and cover any additional premises hereafter served without the need for any hearing or notice. If the first billing to a new user covers a period other than a full billing month, then the service charges for such billing shall be made in keeping with standard practice in the Water Utility. Subsequent sewerage service billings shall be for periods coinciding with the billing periods for water service. If such rates, charges and/or surcharges are changed, the first billing after such change may also be for a period other than a full billing month in order to keep the sewerage billing periods coincident with the water billing periods.
904. City Subject to Charges. For sewerage service rendered to the City, the City shall be subject to the same rates and charges herein established for other persons or to rates and charges established in harmony herewith.
905. Consolidation of Accounts. Where an industrial, commercial or other non-residential enterprise is operating in a unified manufacturing or service area composed of two or more contiguous parcels of real estate and is supplied with water through two or more meters, upon application by the owner or his authorized agent, a consolidation of the water meter readings shall be made for the purpose of calculating the sewerage service charge.

Article X, Delinquent Accounts

1001. How Delinquencies Arise. Charges for sewerage service levied pursuant to this ordinance shall be due and payable on or before the due dates shown on the bills. Any service charge not paid by the due date (approximately fifteen days after the bill is rendered) shall be considered delinquent. Such delinquent charge together with any applied penalty shall be collectible as hereinafter set forth.
1002. Collection Through Shutting Off Water Service. Where the property having a delinquent sewerage account is served by the City's Water Utility, the City may, after mailing a written notice at least ten days in advance to the water consumer and to the property owner, shut off the water service to the property. The water service shall not be turned backed on until the delinquent service charges and the costs of shutting off and turning on the water service have been paid.
1003. Collection Through the Tax Duplicate. As provided by the Statutes of Indiana, delinquent sewerage service charges may be made a lien against the property serviced through certification to the Auditor and to the Recorder of Allen County. In such case, the delinquent service charges, together with a mandatory penalty of ten percent, shall be placed on the tax duplicate and be collected in the same manner as regular taxes and assessments are collected.
1004. Collection Through Court Actions. In addition to the foregoing remedies, the City shall have the right to bring a civil action to recover any delinquent charges together with a penalty of ten percent and a reasonable attorney's fee. It shall also have the right, as provided by the Statutes of Indiana, to foreclose any lien established under the provisions of paragraph 1103, with recovery of the charge, a penalty of ten percent and a reasonable attorney's fee.

Article XI. Accounting for Sewerage Service Charges

1101. The City Controller shall establish and maintain, for as long as user charges and surcharges are collected under the rate schedule instituted herein, accounts for the Sewage Works Operating Fund, Sewage Works Sinking Fund, and Sewage Works Improvement Fund as required by prior ordinances relating to the issuance of sewage works revenue bonds now outstanding and further in accordance with the laws of the State of Indiana relative to the deposit and disbursement of public funds.

Article XII. Validity

1201. Repeal of Conflicting Provisions. All the provisions of Chapter 26, entitled "Sewers and Sewerage System", of the Municipal Code of the City of Fort Wayne (1971 Edition) and the provisions of any ordinances and regulations which may be in conflict with this ordinance are hereby repealed as of the date this ordinance takes effect.
1202. Validation Clause. The invalidity of any section, sentence, clause or provision in this ordinance shall not affect the validity of any other section, sentence, clause or provision of this ordinance which can be given without such invalid part or parts.

Article XIII. Effective Dates

1301. General Provisions. The provisions of this ordinance shall be in full force and effect from and after its passage, approval by the Mayor and due legal publication thereof.

DEFINITIONS

Unless the context specifically indicates otherwise, the meanings of the following terms as used in this ordinance or as used in the rules and regulations adopted by the Board of Public Works to implement the provisions of this ordinance shall be as follows:

1. "Biochemical Oxygen Demand" (or BOD) of sewage, sewage effluent, polluted waters or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 20° Centigrade. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" (see 133).
2. "Building (or House) Drain" shall mean that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to a point approximately three feet outside the foundation wall of the building.
3. "Building (or House) Drain Connection" shall mean the connecting of the horizontal piping of the building drainage system to the building (or house) sewer at a point approximately three feet outside the foundation.
4. "Building (or House) Sewer" shall mean the pipe which is connected to the building (or house) drain at a point approximately three feet outside the foundation wall of the building and which conveys the building's discharge from that point to the public sewer or other place of disposal.
5. "Building (or House) Sewer Connection" shall mean the connecting of the building sewer to the public sewage system and the responsibility shall lay as follows:
 - a. Where a break-in connection is employed, the point of connect shall be where the end of the building sewer meets the inside face of the sewage system and the point shall be considered a part of the building sewer.
 - b. Where fittings (T's or Y's) are employed the connection shall be where the end of the first pipe meets the end of the fitting and the joint thereto shall be considered a part of the building sewer.
6. "Chemical Oxygen Demand" or (COD) of sewage, sewage effluent, polluted waters or industrial wastes is a measure of the oxygen equivalent to that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in "Standard Methods".

City Utilities

CITY-COUNTY BUILDING • ONE MAIN STREET
FORT WAYNE, INDIANA 46802

*Water Filtration & Distribution
Water Pollution Control*

July 11, 1980

To: Common Council
City of Fort Wayne

From: Philip R. Boller, Director of Water Resources
City Utilities

As per our discussion with Councilman Burns on July 10, 1980, Section. 24-18. Control Manholes was re-written for clarification and is being submitted herewith for amendment to the Ordinance amending Chapter 24 of the Code of the City of Fort Wayne, Indiana of 1974 which was introduced to Council, July 8, 1980.



cc: Mark Akers
Neil Wisler
Stu Becker

TITLE OF ORDINANCE SPECIAL ORDINANCE - REVISION OF CHAPTER 24, FORT WAYNE MUNICIPAL CODE

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

SYNOPSIS OF ORDINANCE REVISED CHAPTER 24, FORT WAYNE MUNICIPAL CODE AS SUGGESTED BY LON

BRUMFIELD OF THE INDIANA STATE BOARD OF HEALTH. THE NECESSITATED CHANGES WERE IMPLEMENTED

IN ORDER TO COMPLETE THE CITY'S PRETREATMENT PROGRAM. THE CITY HAS A REQUEST IN FOR FORMAL

APPROVAL OF THEIR PROGRAM BY AUGUST 1, 1980. THE NECESSARY CHANGES TO CHAPTER 24 AND THE

GENERAL RULES AND REGULATIONS ARE AS FOLLOWS:

1. ADD PARAGRAPH 101 DEFINITION OF "ACT."
2. RENUMBER REMAINING PARAGRAPHS.
3. PARAGRAPH 114 CHANGE "MAJOR CONTRIBUTING INDUSTRY" TO MAJOR INDUSTRIAL USER."
4. PARAGRAPH 301.1 CHANGE TEMPERATURE FROM 160°F TO 140°F.
5. PARAGRAPH 301.13 - ADD - OR AS SET OUT IN ANY CATEGORICAL PRETREATMENT STANDARD OF A FEDERAL, INTERSTATE, STATE OR LOCAL AUTHORITY, WHICHEVER IS MORE STRINGENT.
6. PARAGRAPH 401.4 - ADD - WILL PASS THROUGH, WILL PREVENT RECLAMATION AND/OR RECYCLING OF SLUDGES.
7. DELETE ZONE CHARGE UNDER PARAGRAPH 704.
8. DELETE ARTICLE IX. ZONE CHARGE.
9. RENUMBER ARTICLES X, XI, XII, XIII, XIV TO ARTICLES IX, X, XI, XII, XIII RESPECTIVELY.
10. MOVE RULE 8 TO RULE 7 AND RENUMBER THE REMAINING.
11. CHANGE RULE 7 (FORMERLY RULE 8) TO "MAJOR INDUSTRIAL USER."
12. DELETE REFERENCE TO THE ZONE SURCHARGE AND PARAGRAPH 704 AND THE PREVIOUS ARTICLE NINE (9).

(SEE ATTACHED FOR BACKGROUND INFORMATION)

EFFECT OF PASSAGE APPROVAL OF PRETREATMENT PROGRAM PREPARATORY TO RECEIVING NPDES PERMIT

EFFECT OF NON-PASSAGE CITY OF FORT WAYNE WOULD BE IN VIOLATION OF STATE AND EPA REQUIRMENTS

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE Public Works City Utilities



OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

Charles W. Westerman, clerk - room 122

July 31, 1980

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of August 4 and August 11, 1980, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-80-07-20
(as amended) (as
amended) (as amended)
General Ordinance No. G-14-80
(Shopping Center Ordinance)

Bill No. G-80-07-20
(as amended)
(Sewers and Sewerage System)

Please send us (8) eight copies of the Publishers
Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman
Charles W. Westerman
City Clerk

CWW/ne
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 22nd day of July, 1980, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-80-05-13 (AS AMENDED) (AS AMENDED) (AS AMENDED) General Ordinance No. G-12-80, being AN ORDINANCE amending Chapter 33 of the Code of the City of Fort Wayne, Indiana, 1974 (Shopping Center Ordinance)

Notice is hereby given that on the 22nd day of July, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-80-07-20 (AS AMENDED) -- General Ordinance No. G-14-80, being AN ORDINANCE amending Chapter 24 of the Code of the City of Fort Wayne, Indiana of 1974 (SEWERS AND SEWERAGE SYSTEM)

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-80-05-13 (AS AMENDED) (AS AMENDED) (AS AMENDED) -- General Ordinance No. G-12-80 and Bill No. G-80-07-20 (AS AMENDED) -- General Ordinance No. G-14-80, were duly passed by the Common Council on the 22nd day of July, 1980, said Ordinances were duly signed and approved by the Mayor on the 29th day of July, 1980, and now remains on file and on record in my office.

Copy of Bill No. G-80-05-13 (AS AMENDED) (AS AMENDED) (AS AMENDED) -- General Ordinance No. G-12-80 and Bill No. G-80-07-20 (AS AMENDED) -- General Ordinance No. G-14-80, will be posted for reading in the following places in Fort Wayne, Allen County, Indiana.

- (1) The main floor lobby of the City-County Building
- (2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East door of the Allen County Court House

Copy of Bill No. G-80-05-13 (AS AMENDED) (AS AMENDED) (AS AMENDED) -- General Ordinance No. G-12-80 and Bill No. G-80-07-20 (AS AMENDED) -- General Ordinance No. G-14-80, will be available for reading in the following places in Fort Wayne, Allen County, Indiana

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- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana


Charles W. Westerman
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana fulfilled and posted the above ordinances in the designated places as stated on August 4 and August 11, 1980


Charles W. Westerman
City Clerk

To.....JOURNAL-GAZETTE.....Dr.....

FORT WAYNE, INDIANA

...County, Ind.

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) – number of equivalent lines

Head	number of lines
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100	100

Tail number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

78 lines, 1 columns wide equals 78 equivalent lines at .253¢ \$ 19.73
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) **6 extra** **3.00**

TOTAL AMOUNT OF CLAIM.

DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type 6 point

Number of insertions **2**Size of quad upon which type is cast.....⁶

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Aug. 11 1980

Title.....CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned, ARVILLA DEWAID, who, being duly sworn, says that she is, CLERK of the

JOURNAL-GAZETTE

DAILY

2. DAILY newspaper of general circulation printed and published
in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy,
which was duly published in said paper for two times.....the dates of publication being
as follows: 9/4 9/13/80

8/4 - 8/11/80

Subscribed and sworn to before me this 11th day of August 19 80

My commission expires September 28, 1983

No. G-12-80 and Ordinance No. G-14-80, will be available for reading in the following places in Fort Wayne, Allen County, Indiana:

- (1) Reference Room in the north end of the main floor in said Downtown Public Library
- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana.

Fort Wayne, Indiana.
CHARLES W. WESTERMAN
 City Clerk
 I, Charles W. Westerman, Clerk of
 the City of Fort Wayne, Indiana, ful-
 filled and posted the above ordi-
 nances in the designated places as
 stated on August 4 and August 11,
 1980.
CHARLES W. WESTERMAN
 City Clerk

Fort Wayne Common Council

(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

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Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

76

2

78

COMPUTATION OF CHARGES

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3.00

TOTAL AMOUNT OF CLAIM.

\$ 22.73

DATA FOR COMPUTING COST

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Size of type 6 pointNumber of insertions 2Size of quad upon which type is cast 6

Notice is hereby given that on the 2nd day of July, 1980, the Common Council of Fort Wayne, Indiana, in Regular Session did pass the following Bill, No. G-80-05-13 (AS AMENDED) (AS AMENDED) (AS AMENDED) General Ordinance No. G-12-80, being AN ORDINANCE amending Chapter 33 of the Code of the City of Fort Wayne, Indiana, 1974 (SEWERS AND SEWERAGE SYSTEM) (Shopping Center Ordinance)

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Copy of Bill No. G-80-05-13 (AS AMENDED) (AS AMENDED) (AS AMENDED) - General Ordinance No. G-12-80 and Bill No. G-80-07-20 (AS AMENDED) - General Ordinance No. G-14-80, will be posted for reading in the following places in Fort Wayne, Allen County, Indiana:

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CHARLES W. WESTERMAN
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated on August 4 and August 11, 1980.

CHARLES W. WESTERMAN,
City Clerk

8-4-11

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned D. L. ROOSE who, being duly sworn, says that she is CLERK of theNEWS-SENTINEL

DAILY

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA town ofin state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:8/4 - 8/11/80

Subscribed and sworn to before me this

11th

day of

August1980

Notary Public

My commission expires

September 28, 1983

Fort Wayne Common Council

(Governmental Unit)

To NEWS-SENTINEL Dr.**Allen**

County, Ind.

FORT WAYNE, INDIANA**PUBLISHER'S CLAIM****LINE COUNT**

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COMPUTATION OF CHARGES

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Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 6 extra 3.00**TOTAL AMOUNT OF CLAIM.** \$ 22.73**DATA FOR COMPUTING COST**

Width of single column 9.6 picas

Size of type 6 pointNumber of insertions 2Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Aug. 11, 19 80Title CLERK**PUBLISHER'S AFFIDAVIT**State of Indiana
ALLEN County SS.Personally appeared before me, a notary public in and for said county and state, the undersigned, D. Roose, who, being duly sworn, says that she is CLERK of theNEWS-SENTINELa DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA townin state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:8/4 - 8/11/80Subscribed and sworn to before me this 11th day of August, 19 80My commission expires September 28, 1983

Notary Public

